

Free (अ) अनुसंधान कार्यकलाप करते बंद कर देगा अथवा
(Onable इसके अनुसंधान कार्यकलाप को जारी नहीं रखा जाएगा;
namely अथवा

- (द.) उक्त नियमावली के नियम 5ग और 5इ. के साथ पठित
(उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड
(ii) के उपबंधों के अनुकूल नहीं होगा तथा उनका पालन
नहीं करेगा।

[अधिसूचना सं. 72/2008/फा.सं. 203/61/2007-आ क नि-II]

सुरेन्द्र पाल, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 18th June, 2008

S.O. 1504.—It is hereby notified for general information that the organization Himalayan Institute Hospital Trust, Jolly Grant, Dehradun has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2007 in the category of 'other Institution' partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in subparagraph (iii) of paragraph 1; or

- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of Paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 72/2008/F.No.203/61/2007/TTA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 18 जून, 2008

का.आ. 1505.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5इ. के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2005 से संगठन हिमालयन मेडिकल कालेज लुधियाना सोसायटी, लुधियाना को निम्नलिखित शर्तों अधीन आंशिक रूप से अनुसंधान कार्यकलापों में संलग्न 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा इसके नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान को जारी रखेगा ;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता चली रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता-चाली की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय की विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखा द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन:—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा चाली नहीं रखेगा ; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा

(ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त राशियाँ एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा

(घ) अपना अनुसंधान कार्यकलाप करना बंद कर देगा इसके अनुसंधान कार्यकलाप को चालू नहीं करेगा; अथवा

(ङ) उक्त नियमकेली के नियम 5ग और 5क के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के उपबन्धों के अधीन नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 71/2008/फाइल. 283/51/2008—अवधि-1]

सुरेंद्र पाल, अवर सचिव

New Delhi, the 18th June, 2008

S.O. 1565.—It is hereby notified for general information that the organization Christian Medical College Ludhiana Society, Ludhiana has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-Tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2005 in the category of 'other Institution' partly engaged in research activities subject to the following conditions, namely:—

(i) The sums paid to the approved organization shall be utilized for scientific research;

(ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;

(iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

(iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

(a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or

(b) fails to furnish its audit report referred to in sub-paragraph (iv) of paragraph 1; or

(c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or

(d) ceases to carry on its research activities or its research activities are discontinued;

(e) ceases to conform to the conditions and provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with Rules 5C and 5E of the said Rules.

[Notification No. 71/2008/F.No. 203/51/2008/TM-II]

SURENDER PAL, Under Secy.

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 25 जून, 2008

क्र.आ. 1506.—उपरोक्त बैंक (प्रबंध एवं प्रकीर्ण व्यवस्था) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1), खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उपखण्ड (1) के साथ संलग्न, बैंक की कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 के खण्ड (क) के अनुसार बैंक के प्रयोग करते हुए, केन्द्रीय सरकार द्वारा, वित्तीय सेवाओं के परामर्श से, श्री ए.सी. महाजन (अधिसूचना सं. 1930/1950) के अधिनियम एवं प्रबंध निदेशक, इलाहाबाद बैंक को दिनांक 01-07-2008 को उसके बाद पदभार ग्रहण करने की तारीख को धारा 31-07-2010 तक, अर्थात् उनकी अधिवर्षित की तारीख को बैंक को अंतरण करने तक, जो भी पहले हो, कोरा बैंक को अंतरण एवं प्रबंध निदेशक के रूप में नियुक्त करेगी है।

संलग्न 5 सरकार द्वारा बैंक के प्रयोग

[F.No. 9/18/2007-क्र.आ.]

किसी बैंक को अंतरण करने

कोरा बैंक को अंतरण करने

संलग्न 5 सरकार द्वारा बैंक के प्रयोग

(Department of Financial Services)

New Delhi, the 25th June, 2008

S.O. 1566.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri A.C. Mahajan (S.O. 05-07-1950), Chairman and Managing Director, Allahabad Bank as Chairman and Managing Director of Allahabad Bank from the date of taking charge of the post on or after 01-07-2008 and till 31-07-2010 or the date of his superannuation or until further orders.

[F.No. 9/18/2007-क्र.आ.]

किसी बैंक को अंतरण करने

G.B. SINGH, Dy. Secy.

विदेश मंत्रालय

(सी.पी.जी. प्रभाग)

नई दिल्ली, 16 जून, 2008

का.आ. 1507.—उपमार्गिक कौंसली अधिकारी (साथ एवं मुख्य अधिनियम 1948(1948का 41)) च 2 के अंक (क) के अनुसार में केन्द्रीय सरकार एताद्वारा भारत का कौंसलायस, दुबई में श्रीमति कौशल इरानी, श्री अशोक चौधरी और श्रीमति लतिका ग्रोवर सहस्रक को 16-6-2008 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं टी-4330/01/2006]

प्रीतम लाल, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. DIVISION)

New Delhi, the 16th June, 2008

S.O. 1507.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 the Central Government hereby authorize Smt. Kaushal Israni, Assistant, Shri Ashok Chaudhury, Assistant and Smt. Latika Grover, Assistant to perform the duties of Assistant Consular Officer in the Consulate General of India, Dubai with effect from 16th June 2008.

[No. T-4330/1/2006]

PRITAM LAL, Under Secy. (Consular)

S.O. 1507.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 the Central Government hereby authorize the Government of India, New Delhi.

नई दिल्ली, 28 मई, 2007

का.आ. 1508.—इस मंत्रालय की दिनांक 02.01.2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952का 37) की धारा 5 की उपधारा (1) द्वारा अज्ञात शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड की गुवाहाटी सलाहकार पैनल के सदस्यों के रूप में निम्नांकित व्यक्तियों को नियुक्त करती है:-

1. सुश्री मंजुलिका पाल

2. सुश्री लैश्रम चम्पा

3. सुश्री तिनत अतीफा मसूद

4. सुश्री लतिका (क्वीन) तालुकदार

5. श्री भुबन लखर

6. श्री नरेंद्र नाथ शर्मा

[फा सं 809/3/2006-एफ(सी)]

संगीता सिंह, निदेशक (फिल्म)

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 28th May, 2007

S.O. 1508.—In continuation of this Ministry's Notification of even number dated 02.01.2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint the following persons as members of the Guwahati Advisory Panel of Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier:-

1. Ms. Manjulika Pal
2. Ms. Laishram Champa
3. Ms. Tinat Atifa Masood
4. Ms. Latika (Queen) Talukdar
5. Shri Bhuvan Lakhar
6. Prof. Narendra Nath Sharma

[F.No. 809/3/2006-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 27 मई, 2008

का.आ. 1509.—इस मंत्रालय की दिनांक 5 फरवरी, 2008 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 3 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा अज्ञात शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से तीन वर्षों की अवधि के लिए और अगले आदेशों तक, केन्द्रीय फिल्म प्रमाणन बोर्ड के सदस्यों के रूप में श्री अजय बिजली, 31, न्यू रोहताक रोड, नई दिल्ली-05 को नियुक्त करती है।

[फा. सं 809/11/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 27th May, 2008

S.O. 1509.—In continuation of this Ministry's Notification of even number dated 5th February, 2008 and in exercise of the powers conferred by sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 3 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Ajay Bijli, 31, New Rohtak Road, New Delhi -05 as a member of the Central Board of Film Certification with immediate effect for a period of three years and until further orders.

[File No. 809/11/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 28 मई, 2008

का.आ. 1510.—इस मंत्रालय की दिनांक 13 सितम्बर, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा अज्ञात शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो

वर्षों की अवधि के लिए या अगले आदेशों तक जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार बैठक के सदस्यों के रूप में नियुक्ति शक्तियों को नियुक्ति करती है।

1. श्री नफे सिंह नम्बरदार, प. नं. 209, डी.ए.पुर नजफगढ़, नई दिल्ली-110043
2. श्रीमती इन्दु मान, कुमार भवन, आर्य नगर, कोशीपुर-244713, जिला बूँदेलखण्ड (उत्तरप्रदेश)
3. श्री जे.के. पालि, 56 गौतम बुद्ध रोड, गया-823001 (बिहार)

[फा. सं. 809/7/2007-एफ (सी)]

संगीत सिंह, निदेशक (फिल्म)

New Delhi, the 28th May, 2008

S.O. 1510.—In continuation of this Ministry's Notification of even number dated 13th September, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 & 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Delhi Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier:

1. Shri Nafe Singh, Numberdar, H.No.209, Deendarpur, Najafgarh, New Delhi-110043
2. Smt. Indu Mann, Kumar Bhawan, Arya Nagar, Kashipur-244713 Dist. U.S. Nagar (Uttaranchal)
3. Shri J.K. Palit, 56 Gautam Buddha Road, Gaya-823001 (Bihar)

[F.No. 809/7/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 28 मई, 2008

क्र.आ. 1511.—इस मंत्रालय की दिनांक 6 अगस्त, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के मुम्बई सलाहकार बैठक के सदस्यों के रूप में श्रीमती गुलशन बेगम, कमरा नं. 15ए, प्रथम तल, अस्ता रजिया बिल्डिंग, जेकब सर्कल, हंस रोड, 7 रास्ता, मुम्बई (वेस्ट) को नियुक्ति करती है।

[फा. सं. 809/4/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 28th May, 2008

S.O. 1511.—In continuation of this Ministry's Notification of even number dated 6th August, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read

with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Smt. Gulshan Begam, R. No. 15A, 1st Floor, Aila Building, Jacob Circle, Hans Road, 7 Rasta, Mumbai (West) as a member of the Mumbai advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier:

[F.No. 809/4/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 28 मई, 2008

क्र.आ. 1512.—श्री गिरिश कर्माद दिनांक 5 फरवरी, 2008 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से उनका त्यागपत्र स्वीकार कर लिया है।

[फा. सं. 809/11/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 28th May, 2008

S.O. 1512.—Shri Girish Karmad who was appointed as a Board member of the Central Board of Film Certification vide notification of even number dated 5th February, 2008, has tendered his resignation from the Board of the Central Board of Film Certification. The competent authority has accepted the resignation with immediate effect.

[F.No. 809/11/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 13 जून, 2008

क्र.आ. 1513.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए और अगले आदेशों तक जो भी पहले हो, श्री प्रसाद कोटा, 305, कमला कल्याण अपार्टमेंट्स, कमलानगर, ईसीआईएल (पोस्ट), हैदराबाद को केंद्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार बैठक के सदस्यों के रूप में नियुक्ति करती है।

[फा. सं. 809/1/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 13th June, 2008

S.O. 1513.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Prasad Kota, 305, Kamala Kalyan Apartments, Kamalanagar, ECIL (Post), Hyderabad as a member of the Hyderabad advisory panel of the Central

Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

[F.No. 809/1/2007-F(C)]

SANGEETA SINGH, Director (Films)

संघार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

(भवन शाखा)

शुद्धिपत्र

नई दिल्ली, 23 जून, 2008

का.आ. 1514.—भारत के राजपत्र के भाग-II 3(ii) दिनांक 11-9-1993में प्रकाशित अधिसूचना के संबंध में जो केन्द्र सरकार के राजपत्रित अधिकारियों को डाक विभाग में सम्पन्न अधिकारी के तौर पर कार्य करने के लिए नियुक्त करने के बारे में है और तत्पश्चात् एस.ओ. सं. 3209, 3210, और 3211 दिनांक 15-02-95 के साथ प्रकाशित अधिसूचना के तहत जारी संशोधन और इस कार्यालय के दिनांक 14-8-2002 के समसंख्यक पत्र द्वारा जारी संशोधनों के तहत दिल्ली सर्किल में आगे निम्नलिखित संशोधन किया जाता है :

क्रम सं.	सर्किल का नाम	अधिकारी का नाम	क्षेत्राधिकार
1.	दिल्ली सर्किल	सहायक निदेशक (स.भा.) मुख्य पोस्ट मास्टर जनरल का कार्यालय, दिल्ली सर्किल	दिल्ली डाक सर्किल

[संख्या: 2-119/90-पवन]

वी. एस. चोपड़ा, सहायक महानिदेशक (भवन)

MINISTRY OF COMMUNICATIONS AND IT

(Department of Posts)

(Building Branch)

CORRIGENDUM

New Delhi, the 23rd June, 2008

S.O. 1514.—In connection with the Notification published in the Gazette of India in Part-II 3 (ii) dated 11-9-1993 in respect of the Central Govt. Gazetted Officers appointed to act as Estate Officers in the Department of Posts and amendment issued vide Notification published with S.O. No. 3209, 3210 & 3211 dated 15-2-95 and further amendment issued vide this office letter of even number dated 14-8-2002, the following further changes may be made in respect of Delhi Circle:

S.No.	Name of Circle	Designation of Officer	Area of Jurisdiction
1.	Delhi Circle	Asstt. Director (OL) Office of the Chief Postmaster General, Delhi Circle	Delhi Circle

(संख्या: 2-119/90-पवन) [संख्या: 2-119/90-पवन]
(क) 120/S. CHOPRA, Asstt. Director (Bldg.)

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 16 जून, 2008

का.आ. 1515.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दुग्ध उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) नियम, 2000 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम दुग्ध उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) संशोधन नियम, 2008 है ।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. दुग्ध उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) नियम, 2000 के नियम 6, के उपनियम (ख) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :-

“6 फीस

(ख) प्रसंस्करणकर्ता या निर्यातक द्वारा मानीटरिंग फीस का संदाय पोत पर्यन्त निः शुल्क (एफ.ओ.बी.) मूल्य के 0.20% की दर से उस निर्यात निरीक्षण अधिकरण को किया जाएगा जो प्रति वर्ष अधिकतम 15 लाख रुपये प्रति निर्यातक या प्रसंस्करणकर्ता होगा ।”

टिप्पण: निर्यातक द्वारा प्रतिनिरीक्षण संदेय मानीटरिंग फीस की राशि को निकटतम रुपये तक पूर्णीकृत किया जाएगा और इस प्रयोजन के लिए जहाँ ऐसी राशि का भाग पैसे में है, तब यदि वह भाग पचास पैसे या अधिक है तो उसे बढ़ा कर एक रुपये में कर दिया जाएगा और यदि प्रत्येक भाग पचास पैसे से कम है तो उसे गणना में नहीं लिया जाएगा।

[फाईल सं. 2/38/2007-ई आई एंड ईपी(1)]

किरण पुरी, निदेशक

पाद टिप्पण : मूल नियम भारत के राजपत्र, असाधारण भाग-II, खंड-3, उपखंड-(ii) में तारीख 28 नवम्बर 2000 को सं. का.आ. 2720 तारीख 28 नवम्बर 2000 द्वारा प्रकाशित किए गए थे और उनके पश्चात् संशोधन अधिसूचना सं. का.आ. 999 तारीख 13-9-2004, का.आ. सं. 715 तारीख 25-2-2005 और का.आ. 1397 सं. तारीख 24-4-2007 द्वारा किए गए ।

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 16th June, 2008

S.O. 1515.—In exercise of the powers conferred Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Milk Products (Quality Control, Inspection and Monitoring) Rules, 2000, namely:-

1. (1) These rules may be called the Export of Milk Products (Quality Control, Inspection and Monitoring) Amendment Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Milk Products (Quality Control, Inspection and Monitoring) Rules, 2000, for sub-rule (b) of rule 6, the following rule shall be substituted, namely:—

“6.FEE

- (b) A monitoring fee @ 0.20% of free on board (F.O.B.) value shall be paid by the processor or the exporter to the concerned Export Inspection Agency with a maximum of Rs.15 lakhs per annum per exporter or processor.

Note: The amount of monitoring fee for each consignment payable by the exporter shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if each part is less than fifty paise, it shall be ignored.”

[F. No. 2/38/2007-EI & EP (I)]

KIRAN PURI, Director

Foot Note : The Principal rules were published vide S.O. 2720 dated 28th November, 2000 in the Gazette of India, Part II, Section 3, sub-section (ii), dated 28th November, 2000 and subsequently amended by S.O. 999 (E) dated 13-9-2004, S.O. 715 dated 25-2-2005 and S.O. 1397 dated 24-4-2007.

नई दिल्ली, 16 जून, 2008

का.आ. 1516.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अंडा उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मॉनीटरिंग) नियम, 1997 का और संशोधन करने के लिए निम्नलिखित नियम प्रस्तावित हैं, अर्थात् :—

1. (1) इन नियमों का संक्षेप नाम अंडा उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मॉनीटरिंग) संशोधन नियम, 2008 है।

(2) ये व्यवस्थापन में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अंडा उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मॉनीटरिंग) नियम, 1997 के नियम 6.2 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

“6.2—प्रत्येक अंडा उत्पाद के निर्यात के लिए निर्यातक द्वारा मॉनीटरिंग फीस का संशोधन फ्री ऑन बोर्ड (F.O.B.) मूल्य के 0.20 % की दर से उस निर्यातक के निर्यात के लिए किया जाएगा जो प्रति वर्ष अधिकतम 15 लाख रुपये प्रति निर्यातक होगा।”

टिप्पण्य : निर्यातक द्वारा प्रति वर्ष एक अंडा उत्पाद मॉनीटरिंग फीस की रकम को निम्नलिखित रूप में एक पूर्णकित किया जाएगा और इस प्रत्येक के लिए नहीं ऐसी रकम का भाग वैसे में है, जब तक यह भाग पचास पैसे या अधिक है तो उसे बहा कर

एक रूप में कर दिया जाएगा और यदि प्रत्येक अंडा उत्पाद वैसे से कम है तो, उसे मूल्य में नहीं रखा जाएगा।

[फाईल सं. 2/38/2007—ईआई एंड ईपी (II)]

किरण पुरी, निदेशक

पाठ टिप्पण्य : मूल नियम भारत के राजपत्र, असाधारण भाग-2, खंड-3, उपखंड-(ii) में तारीख 4 अगस्त, 1997 में का.आ. 2078(अ) तारीख 4 अगस्त, 1997 द्वारा प्रकाशित किए गए थे और पेरफेक्शनी संशोधन का.आ. 1443(अ) तारीख 19-12-2003 तथा का.आ. 721 तारीख 25-2-2005 द्वारा किए गए।

New Delhi, the 16th June, 2008

S.O. 1516.—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Egg Products (Quality Control, Inspection and Monitoring) Rules, 1997, namely:—

1. (1) These rules may be called the Export of Egg Products (Quality Control, Inspection and Monitoring) Amendment Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Egg Products (Quality Control, Inspection and Monitoring) Rules, 1997, for rule 6.2 the following rule shall be substituted, namely:—

“6.2—A monitoring fee @ 0.20% of free on board (F.O.B.) value shall be paid by the processor or the exporter to the concerned Export Inspection Agency with a maximum of Rs.15 lakhs per annum per exporter or processor.

Note : The amount of monitoring fee for each consignment payable by the exporter shall be rounded off to the nearest rupee and for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if each part is less than fifty paise, it shall be ignored.”

[F. No. 2/38/2007-EI & EP (II)]

KIRAN PURI, Director

Foot Note : The Principal rules were published vide S.O. 2078 dated 4th August, 1997 in the Gazette of India, Part II, Section 3, sub-section (ii), dated 4th August, 1997 and subsequently amended by S.O. 1443(E) dated 19-12-2003 and S.O. 721 dated 25-2-2007.

नई दिल्ली, 16 जून, 2008

का.आ. 1517.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा

प्रदत्त शक्तियों का प्रयोग करते हुए, ताजा मुर्गी मांस और मुर्गी मांस उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) नियम, 2002 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम ताजा मुर्गी मांस और मुर्गी मांस उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) संशोधन नियम, 2008 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. ताजा मुर्गी मांस और मुर्गी मांस उत्पादों के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) नियम, 2002 के नियम 6 के लिए उपनियम 2 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :-

6 फीस

"2—प्रसंस्करणकर्ता या निर्यातक द्वारा मानीटरिंग फीस का संदाय पोत पर्यन्त निःशुल्क (एफ.ओ.बी.) मूल्य के 0.20% की दर से उस निर्यात निरीक्षण अधिकरण को किया जाएगा जो प्रति वर्ष अधिकतम 15 लाख रुपये प्रति निर्यातक या प्रसंस्करणकर्ता होगा।"

टिप्पण : निर्यातक द्वारा प्रति परेषण संदेय मानीटरिंग फीस की राशि को निकटतम रुपये तक पूर्णकृत किया जाएगा और इस प्रयोजन के लिए जहाँ ऐसी राशि का भाग पैसे में है, तब यदि वह भाग पचास पैसे या अधिक है तो उसे बढ़ा कर एक रुपये में कर दिया जाएगा और यदि प्रत्येक भाग पचास पैसे से कम है तो, उसे गणना में नहीं लिया जाएगा।

[फाईल सं. 2/38/2007-ईआई एंड ईपी(III)]

किरण पुरी, निदेशक

सादर टिप्पण : मूल नियम को भारत के राजपत्र, असाधारण भाग-II, खंड-3, उपखंड-(ii) में तारीख 30 दिसम्बर, 2002, में का.आ. सं. 1378(अ) तारीख 30 दिसम्बर, 2002 द्वारा प्रकाशित किए गए थे और उन्हें परचातुर्वर्ती का.आ. सं. 719 तारीख 25-2-2005 द्वारा किया गया।

New Delhi, the 16th June, 2008

S.O. 1517.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Fresh poultry meat and poultry meat products (Quality Control, Inspection and Monitoring) Rules, 2002, namely:—

1. (1) These rules may be called the Export of Fresh poultry meat and poultry meat products (Quality Control, Inspection and Monitoring) Amendment Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Fresh poultry meat and poultry meat products (Quality Control, Inspection and Monitoring) Rules, 2002, for sub-rule 2 of rule 6 the following rule shall be substituted, namely:—

6. FEE

"2—A monitoring fee @ 0.20% of free on board (F.O.B.) value shall be paid by the processor or the exporter to the concerned Export Inspection Agency with a maximum of Rs.15 lakhs per annum per exporter or processor.

Note: The amount of monitoring fee for each consignment payable by the exporter shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if each part is less than fifty paise, it shall be ignored."

[F. No. 2/38/2007-EI & EP(III)]

KIRAN PURI, Director

Foot Note : The Principal rules were published vide S.O. 1378 dated 30th December, 2002 in the Gazette of India, Part II, Section 3, sub-section (ii), Extraordinary dated 30th December, 2002 and subsequently amended by S.O. 719 dated 25-2-2005.

नई दिल्ली, 16 जून, 2008

का.आ. 1518.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, शहर के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) नियम, 2002 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम शहर के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) संशोधन नियम, 2008 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. शहर के निर्यात (क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग) नियम, 2002 के नियम 6 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :-

(6) निरीक्षण फीस

"मानीटरिंग प्रणाली और अनुमोदन के मामले में, निरीक्षण फीस पोत पर्यन्त निःशुल्क (एफ.ओ.बी.) के 0.20% की दर से जो अधिकतम प्रति वर्ष 15 लाख रुपये प्रति निर्यातक या प्रसंस्करणकर्ता होगा और परेषणानुसार निरीक्षण के मामले में पोत पर्यन्त मूल्य एफ.ओ.बी. के 0.40% की दर से न्यूनतम 500 रुपये का संदाय प्रति परेषण के अधीन रहते हुए निर्यातकर्ता या प्रसंस्करणकर्ता द्वारा अधिकरण को किया जाएगा।"

टिप्पण : निर्यातक या प्रसंस्करणकर्ता द्वारा प्रति परीक्षण मानीटरिंग फीस की राशि को निकटतम रूपए तक पूर्णांकित किया जाएगा और इस प्रयोजन के लिए जहां ऐसी राशि का भाग पैसे में हो, तब यदि वह भाग पचास पैसे या अधिक है तो उसे बढ़ा कर एक रूपए कर दिया जाएगा और यदि प्रत्येक भाग पचास पैसे से कम है तो, उसे गणना में नहीं लिया जाएगा।

[फा. सं. 2/38/2007-ईआई एंड ईपी(IV)]

किरण पुरी, निदेशक

पाद टिप्पण : मूल नियम को भारत के राजपत्र, असाधारण भाग-II, खंड-3, उप-खंड-(ii) तारीख 4 मार्च, 2002 में सं. का.आ. 277(अ) तारीख 4 मार्च, 2002 में प्रकाशित किए गए थे और उनके परस्पातुकी संशोधन अधिसूचना सं. का.आ.1245 तारीख 14-5-2004 द्वारा किए गए।

New Delhi, the 16th June, 2008

S.O. 1518.—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Honey (Quality Control, Inspection and Monitoring) Rules, 2002, namely:—

- (1) These rules may be called the Export of Honey (Quality Control, Inspection and Monitoring) Amendment Rules, 2008.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- In the Export of Honey (Quality Control, Inspection and Monitoring) Rules, 2002, for rule 6, the following rule shall be substituted, namely:—

“(6) Inspection Fee

In case of approval and monitoring system, inspection fee @ 0.20% of the free on board (F.O.B.) value with a maximum of Rs. 15 Lakhs per annum per exporter or processor and in case of consignment wise inspection @ 0.40% of freight on board (F.O.B.) value subject to a minimum of Rs. 500/- per consignment, shall be paid by the exporter or processor to the Agency.

Note: The amount of monitoring fee for each consignment payable by the exporter/processor shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if each part is less than fifty paise, it shall be ignored.”

[F.No.2/38/2007-EI&EP(IV)]

- KIRAN PURI, Director

Foot Note : The Principal rules were published vide S.O. 277(E) dated 4th March 2002 in the Gazette of India, Part II, Section 3, Sub-section (ii), Extraordinary dated 4th March 2002 and subsequently amended by S.O.1245 dated 14-5-2004.

नई दिल्ली, 16 जून, 2008

क्र.आ. 1519.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ताजी, प्रशीतित और प्रसंस्कृत मछली और मछली उत्पाद निर्यात (क्वालिटी नियंत्रण, निरीक्षण तथा मनीटरिंग) नियम, 1995 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम ताजी, प्रशीतित और प्रसंस्कृत मछली और मछली उत्पाद निर्यात (क्वालिटी नियंत्रण, निरीक्षण तथा मनीटरिंग) संशोधन नियम, 2008 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. ताजी, प्रशीतित और प्रसंस्कृत मछली और मछली उत्पाद निर्यात (क्वालिटी नियंत्रण, निरीक्षण तथा मनीटरिंग) नियम, 1995 के नियम 16.2 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :-

“16.2. प्रसंस्करणकर्ता या निर्यातक द्वारा मानीटरिंग फीस का संदाय पोत पर्यन्त निः शुल्क (एफ.ओ.बी.) मूल्य के 0.20 % की दर से उस निर्यात निरीक्षण अधिकरण को किया जाएगा जो प्रति वर्ष अधिकतम 15 लाख रूपए प्रति निर्यातक या प्रसंस्करणकर्ता होगा।”

टिप्पण : निर्यातक द्वारा प्रति परीक्षण मानीटरिंग फीस की राशि को निकटतम रूपए तक पूर्णांकित किया जाएगा और इस प्रयोजन के लिए जहां ऐसी राशि का भाग पैसे में है, तब यदि वह भाग पचास पैसे या अधिक है तो उसे एक रूपए कर दिया जाएगा और यदि प्रत्येक भाग पचास पैसे से कम हो तो, उसे गणना में नहीं लिया जाएगा।

[फा. सं. 2/38/2007-ईआई एंड ईपी(V)]

किरण पुरी, निदेशक

पाद टिप्पण : मूल नियम को भारत के राजपत्र, असाधारण भाग-II, खंड-3, उपखंड-(ii) में तारीख 21 अगस्त, 1995 में अधिसूचना सं. का.आ. 730(अ) तारीख 21 अगस्त, 1995 द्वारा प्रकाशित किए गए थे और परस्पातुकी संशोधन सं. का.आ. 415(अ) तारीख 11-4-2002, सं. का.आ. 1029(अ) तारीख 24-9-2002, सं. का.आ. 1034(अ) तारीख 9-9-2003, सं. का.आ. 717(अ) तारीख 25-2-2000 तथा सं. का.आ. 612 तारीख 15-2-07 द्वारा संशोधित किए गए।

New Delhi, the 16 June, 2008

S.O. 1519.—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of

Fresh, Frozen and Processed Fish and Fishery Products (Quality Control, Inspection and Monitoring) Rules, 1995, namely:—

1. (1) These rules may be called the Export of Fresh, Frozen and Processed Fish and Fishery Products (Quality Control, Inspection and Monitoring) Amendment Rules, 2008.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Export of Fresh, Frozen and Processed Fish and Fishery Products (Quality Control, Inspection and Monitoring) Rule, 1995, for rule 16.2 the following rule shall be substituted, namely:—

" 16.2 A monitoring fee @ 0.20% of free on board (F.O.B.) value shall be paid by the processor or the exporter to the concerned Export Inspection Agency with a maximum of Rs. 15 lakhs per annum per exporter or processor.

Note: The amount of monitoring fee for each consignment payable by the exporter shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if each part is less than fifty paise, it shall be ignored."

[F.No. 2/38/2007-EI&EP(V)]

KIRAN PURI, Director

Foot Note : The Principal rules were published vide S.O. 730 (E) dated 21st August, 1995 in the Gazette of India, Part II, Section 3, Sub-section (ii), Extraordinary dated 21st August, 1995 and subsequently amended by S.O. 415(E) dated 11-4-2002, S.O. 1029 (E) dated 24-9-2002, S.O. 1034(E) dated 9-9-2003, S.O. 717(E) dated 25-2-2005 and S.O. 612 dated 15-2-2007.

नई दिल्ली, 16 जून, 2008

क्र.आ. 1520.—केंद्रीय सरकार, निर्यात (क़्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उप-नियम (2) के साथ पड़ित, निर्यात (क़्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इन्स्पेक्टोरेट ग्रिफ़्थ इंडिया प्रा. लि., फ्लैट नं. 2 और 3, चौथा तल, पेस एवेन्यू, एफ. एल. गोम्स रोड, वास्को-डी-गामा, गोवा-403802 में स्थित को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, भारत सरकार बाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 और का.आ. 3978 दोनों तारीख 20 दिसम्बर, 1965 से उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज और अयस्क (ग्रुप-1) अर्थात् लौह अयस्क, मैंगनीज अयस्क (मैंगनीज डायऑक्साइड को छोड़कर) और बॉक्साइट जिसमें कैल्सिमाइड बॉक्साइट भी है के निर्यात करने से पूर्व निरीक्षण हेतु निम्नलिखित शर्तों के अधीन रक़्त खनिज और अयस्क के निरीक्षण करने के लिए एक अधिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

(i) कि मैसर्स इन्स्पेक्टोरेट ग्रिफ़्थ इंडिया प्रा. लि., गोवा, खनिज और अयस्क ग्रुप -I का निर्यात (निरीक्षण) नियम, 4 तथा खनिज और अयस्क ग्रुप- II का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण पत्र देने के लिए अपने द्वारा अपनाई गई पद्धति की जांच करने के लिए इस सम्बंध में निर्यात निरीक्षण परिषद द्वारा नामित अधिकारियों को पर्याप्त सुविधाएं देगी ;

(ii) कि मैसर्स इन्स्पेक्टोरेट ग्रिफ़्थ इंडिया प्रा. लि., गोवा, इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण और क़्वालिटी नियंत्रण) निर्यात निरीक्षण द्वारा समय-समय पर लिखित में दिए निर्देशों से आबद्ध होंगे।

[फाईल सं. 5/2/2008-ईआई एंड ईपी]

किरण पुरी, निदेशक

New Delhi, the 16th June, 2008

S.O. 1520.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. Inspectorate Griffith India Pvt. Ltd., Flat No. 2 and 3, 4th Floor, Paes Avenue, F.L.Gomes Road, Vasco-da-Gama, Goa-403802, as an agency for a period of three years with effect from the date of publication of this notification, for the inspection of Minerals and Ores (Group-I), namely, Iron Ore, Manganese Ore (excluding Manganese Dioxide) and Bauxite including calcined Bauxite, as specified in the Schedules annexed to the notifications of the Government of India in the Ministry of Commerce numbers S.O. 3975 dated the 20th December, 1965 and S.O. 3978 dated the 20th December, 1965, prior to export of the said Minerals and Ores at Goa, subject to the following conditions, namely:—

(i) that M/s. Inspectorate Griffith India Pvt. Ltd., Goa shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965 and the Export of Minerals and Ores, Group-II (Inspection) Rules, 1965, and

(ii) that M/s. Inspectorate Griffith India Pvt. Ltd., Goa in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F.No. 5/2/2008-EI&EP]

KIRAN PURI, Director

इस्पात मंत्रालय

नई दिल्ली, 10 जून, 2008

का. आ. 1521.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिकारियों की बेरखाती) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत के राजपत्र, भाग-II, खंड-3, उप-खंड (ii) में प्रकाशित इस्पात और खनन मंत्रालय (इस्पात विभाग) भारत सरकार की अधिसूचना सं. का. आ. 3132 तारीख 30-10-1990 का अधिकांश करते हुए, राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से "विश्वेश्वरैया आयरन एंड स्टील प्लांट, पद्मावती, कर्नाटक राज्य" (स्टील अथॉरिटी ऑफ इंडिया लिमिटेड की एक इकाई) के अधिकारियों को, जो सरकार के राजपत्रित अधिकारियों के रैंक के सम्मुख हैं और जिनका उल्लेख सरणी के स्तंभ (1) में किया गया है, उक्त अधिनियम के प्रयोजनों के लिए संपन्न अधिकारी नियुक्त करती है, जो कि उक्त सरणी के स्तंभ (2) में उल्लिखित सरकारी स्थानों के संबंध में अपने अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम के अधीन प्रदत्त शक्तियों का प्रयोग करेंगे और सम्पन्न अधिकारियों को दिए गए कर्तव्यों का निर्वहन करेंगे:-

क्रम सं.	संपन्न अधिकारी का नाम व पदनाम	क्षेत्र
(1)	(2)	(3)
1.	एन.एन. वेंकटेश, प्रबंधक (विधि)	स्टील अथॉरिटी ऑफ इंडिया लिमिटेड (सेस), भारत सरकार का एक उपक्रम के नियंत्रणधीन विश्वेश्वरैया आयरन एंड स्टील प्लांट (सी आई एस पी) के परिसर जैसे, सम्पूर्ण हुबल गांव, पद्मावती तालुक, शिमोगा जिले में भूमि, भवन संरचनाएं। सर्वेक्षण सं. 1 से 7, 8 से 13, 17 से 51, 63, 65, 98 से 101, 122, 127, 129 और 130 में जानापुरा गांव, पद्मावती तालुक, शिमोगा जिले में विश्वेश्वरैया आयरन एंड स्टील प्लांट से संबंधित भूमि, भवन संरचनाएं। विश्वेश्वरैया आयरन एंड स्टील प्लांट से संबंधित बुल्लापुरा, उन्जानीपुरा और ऐनेहाली गांव, पद्मावती तालुक, शिमोगा जिले में भूमि, भवन संरचनाएं। विश्वेश्वरैया आयरन एंड स्टील प्लांट से संबंधित और निम्नलिखित

(3)

क्षेत्रों में स्थित भूमि, भवन संरचनाएं व खानें:-

(क) टिगाडा, मांचीधेवाक व केसावीन्ने गांव, छारीकेरे तालुक चिकमंगलूर जिले में केम्मानुंडी लोक अवसक खानें।

(ख) बंडीगुड्डा व रंगापुरा गांव पद्मावती तालुक, शिमोगा जिले में भांडीगुड्डा लाइमस्टोन खानें।

(ग) कंचापुरा गांव, छारीकेरे तालुक, चिकमंगलूर जिला, कर्नाटक के सर्वे सं. 22, 24 व 26 में कंचापुरा इनाइट खानें।

विश्वेश्वरैया आयरन एंड स्टील प्लांट से संबंधित सम्पन्न शाखा कार्यालयों में भूमि, भवन संरचनाएं:-

(क) कोलकाता में ऑफिस प्लॉट एबरेस्ट हाऊस के चौथे तल पर लगभग 700 वर्ग फीट का ऑफिस प्लॉट सं. 6-सी चौरंगी रोड, कोलकाता-700071 में ऑफिस प्लॉट सं. 46-सी, जो उत्तर में एबरेस्ट हाऊस के प्लॉट सं. 6-बी, दक्षिण में एबरेस्ट हाऊस के प्लॉट सं. 6-डी, जिसके पूर्व में ब्रिटिश हाई कमिश्नर के कंपाउंड तथा पश्चिम में जवाहर लाल नेहरू रोड, कोलकाता है।

(ख) बंबई के ब्लॉक सं. 3 में प्लांट सं. 211 पर नटीमन प्लांट स्थित महाराष्ट्र सरकार से संबंधित पट्टे की भूमि पर लगभग 1260 वर्ग फीट में ऑफिस प्लॉट सं. 208-209। रिकलेमेसन स्कीम बंबई जिसमें कोलाबा डिवीजन का कांटे-स्टूल सर्वे सं. 1957 है और उत्तर में प्लांट सं. 210, दक्षिण में प्लॉट सं. 212, पश्चिम में प्लॉट सं. 224 तथा पूर्व में बंबई रिकलेमेसन स्कीम तक 90 फीट रोड से घिरा है।

(ग) 812 साइट पर विश्वेश्वरैया आयरन एंड स्टील प्लांट हाऊस, जिसकी माप उत्तर की तरफ 66 फीट, पूर्व की तरफ 109 फीट,

2. लाल कृष्णवर्धन,
उप प्रबंधक (विधि)

(3)

दक्षिण की तरफ 66 फीट और पश्चिम की तरफ 112 फीट है, जिसका क्षेत्रफल 799.59 वर्ग गज है, जो जे.सी. रोड, बंगलूर-560002 पर स्थित है और जिसके उत्तर में 25 फीट चौड़ी सड़क है और रोड जे.सी.रोड से मैसर्स जनता कॉ-ऑपरेटिव हाऊस बिल्डिंग सोसायटी लि. तक जाती है तथा अन्य पश्चिम में जे.सी. रोड जनता कॉ-ऑपरेटिव हाऊस बिल्डिंग सोसायटी लि., दक्षिण में श्री के. वी. अय्यर्स व्यायाम शाला की प्राइवेट प्रॉपर्टी तथा पूर्व में जनता कॉ-ऑपरेटिव हाऊस बिल्डिंग सोसायटी लि. है।

(घ) प्लॉट सं. 407, चौथा तल, भीकाजी कामा भवन, सं. 11, भीकाजी कामा प्लेस, नई दिल्ली-110066, जिसका क्षेत्रफल 136.78 वर्ग मीटर है।

[फा. सं. 11 (13)/2007-सेल-आर एस]

जी. इलियास, संयुक्त सचिव

MINISTRY OF STEEL

New Delhi, the 10th June, 2008

S.O. 1521.— In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the Government of India, Ministry of Steel and Mines (Department of Steel) notification No. S.O. 3132 dated 30-10-1990 published in the Gazette of India Part-II Section 3, Sub-Section (ii), the Central Government hereby appoints with effect from the date of publication of this notification in the Official Gazette, the officers of Visvesvaraya Iron and Steel Plant, Bhadravathi, Karnataka State (a unit of Steel Authority of India Limited) being officers equivalent to the rank of Gazetted Officers of the Government, mentioned in column (1) of the Table to be the Estate Officers for the purpose of said Act who shall exercise the powers conferred, and perform the duties imposed on Estate Officer by or under the said Act within the local limits of their jurisdiction in respect of the public premises mentioned in column (2) of the said Table.

TABLE

Name and Designation of the Estate Officers	Area
(1)	(2)
1. H.N. Venkatesh, Manager (Law)	The premises of Visvesvaraya Iron and Steel Plant (VISP), under the control of Steel Authority of India Ltd. (SAIL), a

(2)

Government of India Undertaking such as lands, buildings structures in entire Hutha Village, Bhadravathi Taluk Shimoga District.

Lands, buildings structures in Jannapura Village, Bhadravathi Taluk, Shimoga District in Survey Nos. 1 to 7, 8 to 13, 17 to 51, 63, 65, 98 to 101, 122, 127, 129 and 130 belonging to Visvesvaraya Iron and Steel Plant.

Lands, buildings structures in entire Bullapura, Ujjanipura and Anehally Villages, Bhadravathi Taluk, Shimoga District belonging to Visvesvaraya Iron and Steel Plant.

Lands, buildings structures and Mines belonging to Visvesvaraya Iron and Steel Plant and situated in the following areas :—

(a) Kemmangundi Iron Ore Mines at Tigada, Manchithevaru and Kesavinmane Villages Tarikere Tq. Chickmagalore District.

(b) Bhadigund Limestone Mines at Bandigudda and Rangapura Villages, Bhadravathi Taluk, Shimoga District.

(c) Kenchapura Dunite Mines at Survey No. 22, 24 and 26 of Kenchapura Village, Tarikere Taluk, Chikmagalur District, Karnataka.

Lands, buildings structures in entire Branch Officers belonging to Visvesvaraya Iron and Steel Plant :—

(a) Office flat at Calcutta bearing No. 6-C measuring about 700 sq. feet on the VI floor of 'Everest House', 46-C, Chowringhee Road, Calcutta-700071 bounded on the North by Flat No. 6-B of 'Everest House' on the South by Flat No. 6-D of 'Everest House'. On the East by Compound of British High Commissioner and on the West by Jawaharlal Nehru Road, Calcutta.

2. Lal Yashoverdhan
Deputy Manager
(Law)

(2)

(b) Office flat bearing No. 208-209 measuring about 1260 sq. ft. on the lease hold land belonging to the Government of Maharashtra situated at Nariman Point on Plot bearing No. 211 in Block No. III of Bombay. Reclamation Scheme Bombay, bearing Cadastral Survey No. 1957 of Colaba Division and bounded on the North by Plot No. 210, on the South by Plot No. 212, on the West by Plot No. 224 and on the East by 90 feet Road to Bombay Reclamation Scheme.

(c) Visvesvaraya Iron and Steel Plant House on site 812 measuring 66 feet on the northern side, 109 feet on the eastern side, 66 feet on the southern side, 112 feet on the western side having an area of 799.59 sq. yards situated in J.C. Road, Bangalore-560002 bounded by North, Road of 25 feet width forming an approach road from J.C. Road to the site belonging to M/s. Janatha Co-operative House Building Society Ltd. and other west J.C. Road, South private property of Shri K.V. Iyer's Vyayama Shala east side belonging to Janatha Co-operative Housing Society Ltd.

(d) Flat No. 407, at IV floor, at Bhikaiji Cama Bhawan, No. 11 Bhikaiji Cama Place, New Delhi-110066 measuring 136.78 sq. mts.

[F.No.11(13)/2007-SAIL-RS]

GELIAS, Jt. Secy.

कोयला मंत्रालय

नई दिल्ली, 24 जून, 2008

क्र. आ. 1522.-केंद्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी की गई भारत सरकार के कोयला अधिनियम की अधिसूचना संख्यांक क्र. आ. 3555 तारीख 13 दिसम्बर, 2007 द्वारा भारत सरकार के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 22 दिसम्बर, 2007 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि और ऐसी भूमि में या उस पर सभी अधिकारों के अर्जन के अपने आशय की सूचना दी थी;

और सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केंद्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केंद्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और झारखण्ड सरकार से परामर्श करने के पश्चात्, यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 645.33 हेक्टेयर (लगभग) या 1593.98 एकड़ (लगभग) माफवाली भूमि और ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किये जाने चाहिये,

अतः अब, केंद्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित 645.33 हेक्टेयर (लगभग) या 1593.98 एकड़ (लगभग) माफवाली भूमि और ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किये जाते हैं।

इस अधिसूचना के अधीन आने वाले क्षेत्र का रेखांक जिसकी सं. एन.टी.पी.सी./सी.एम./से. 9 (1) चत्ती बरियातु /07/01 तारीख 24-12-07 है, का निरीक्षण उपायुक्त, इकायीकरण (झारखण्ड राज्य) के कार्यालय में या कोयला नियंत्रक, 1, कन्स्टिबल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या अपर महाप्रबंधक (प्रभारी), पकरी बवाड़ीह कोयला खनन परियोजना, एनटीपीसी लिमिटेड, लक्ष्मी पेट्रोल पंप के सामने, नूसाबगंज, इकायीकरण 825301 (झारखंड) के कार्यालय में या उप महाप्रबंधक, (कोयला खनन और कोयलाशलाखंड), एनटीपीसी, लिमिटेड, पीडीआईएल भवन, वेस्ट विंग, प्रथम तल, प्लॉट सं. ए-14, सेक्टर-1, नोएडा-201301 के कार्यालय में किया जा सकता है।

अनुसूची

चत्ती बरियातु-कोयला खनन खंड

उत्तरी करनपुस कोयला क्षेत्र

जिला हजारीबाग, झारखंड

रेखांक सं. एनटीपीसी/सीएम/से. 9(1) चत्ती बरियातु /07/01 तारीख 24-12-07.

सभी अधिकार

(क) राजस्व भूमि.

क्रम सं.	ग्राम	खंड	कम सं.	जिला	क्षेत्रफल (लगभग) हेक्टर	टिप्पणी एकड़
01	चत्ती बरियातु	कोयली	14	इकायीकरण	185.38	457.89 कच
02	जेरुग	कोयली	15	इकायीकरण	161.72	399.45 कच
03	पकर	कोयली	19	इकायीकरण	236.52	584.20 कच
कुल					583.62	1441.54

(ख) कानूनी

क्रम सं.	ग्राम	खंड	कम सं.	जिला	क्षेत्रफल (लगभग) हेक्टर	टिप्पणी एकड़
01	चत्ती बरियातु	कोयली	14	इकायीकरण	4.57	11.31 कच
02	जेरुग	कोयली	15	इकायीकरण	52.74	80.87 कच
03	पकर	कोयली	19	इकायीकरण	28.40	60.26 कच
कुल					61.71	152.44

सायंस:

(क) कुल राजस्व भूमि: 583.62 हेक्टर (लगभग)–1441.54 एकड़ (लगभग)

(ख) कुल वन भूमि: 61.71 हेक्टर (लगभग)– 152.44 एकड़ (लगभग)

(ग) सकल योग (क+ख): 645.33 हेक्टर (लगभग)– 1593.98 एकड़ (लगभग)

अर्जित किये जाने वाले राजस्व प्लॉटों की सूची:

1. जोरदाग ग्राम से अर्जित किये जाने वाले प्लॉट संख्या:

2 (भाग), 4 (भाग), 5 से 11, 12 (भाग), 13 से 449, 450 (भाग), 451 से 458, 459 (भाग), 460 (भाग), 462 (भाग), 466 (भाग), 468 (भाग), 537 (भाग), 538 (भाग), 539 (भाग), 540 (भाग), 541 से 546, 547 (भाग), 548 से 561, 562 (भाग), 563 से 578, 579 (भाग), 580 से 583, 584 (भाग), 585 से 587, 588 (भाग), 590 (भाग), 591 (भाग), 592 (भाग), 593, 594 (भाग), 595 (भाग), 597 (भाग), 608 (भाग), 609, 610, 611 (भाग), 612 (भाग), 622 (भाग), 1031 (भाग), 1032, 1033, 1034, 1035 (भाग), 1036 (भाग), 1037 (भाग), 1038 (भाग), 1039, 1040, 1041 (भाग), 1042 (भाग), 1043 (भाग), 1044 (भाग), 1045 (भाग), 1056 (भाग), 1057 (भाग), 1058 (भाग), 1059 (भाग), 1060 से 1282, 1283 (भाग), 1284 से 1286, 1287 (भाग), 1288, 1289 (भाग), 1290 (भाग), 1291 (भाग), 1310 (भाग), 1665 (भाग), 1682 (भाग), 1685 (भाग), 1686 से 1799, 1800 (भाग), 1801 (भाग), 1802 से 1851, 1852 (भाग), 1853 (भाग), 1854 (भाग), 208/1956, 1232/1958, 1220/1959, 1243/1960, 177/2020, 2/2022 (भाग), 4/2024 (भाग),

2. पगार ग्राम में अर्जित किये जाने वाले प्लॉट संख्या:

1 (भाग), 3 (भाग), 5 (भाग), 6 से 29, 30 (भाग), 31 (भाग), 48 (भाग), 49 से 67, 68 (भाग), 69 से 135, 136 (भाग), 137 से 277, 278 (भाग), 279 से 299, 300 (भाग), 301 से 322, 324 से 641, 642 (भाग), 643 (भाग), 648 (भाग), 655 (भाग), 662 (भाग), 663 (भाग), 664 (भाग), 666 (भाग), 667, 668 (भाग), 669 (भाग), 670 (भाग), 722 (भाग), 723 (भाग), 724 (भाग), 725 (भाग), 726 से 733, 734 (भाग), 735, 736 (भाग), 745 (भाग), 746 (भाग), 747, 748 749 (भाग), 750 (भाग), 751, 752 (भाग), 753 (भाग), 755 (भाग), 756 (भाग), 757 (भाग), 758, 759 (भाग), 760 से 853, 854 (भाग), 855 (भाग), 857 (भाग), 858, 859 (भाग), 861 (भाग), 862 (भाग), 863 (भाग), 864, 865, 866, 867, 868 (भाग), 869 (भाग), 870 (भाग), 889 (भाग), 890 (भाग), 891 (भाग), 894 (भाग), 895 (भाग), 896 (भाग), 898 (भाग), 899 (भाग), 900, 901 (भाग), 902 (भाग), 903 904, 905 (भाग), 906 से 929, 930 (भाग), 931 (भाग), 932 (भाग), 933 से 1205, 1206 (भाग), 1207 (भाग), 1208 (भाग), 1209 से 1260, 1261 (भाग), 1262, 1263, 1264, 1265 (भाग), 1266 से 1273, 1274 (भाग),

1275 से 1652, 1653 (भाग), 1654 (भाग), 1655, 1656, 1657, 1658 (भाग), 1668 (भाग), 1669 (भाग), 1670 (भाग), 1671 (भाग), 1715 (भाग), 1716 (भाग), 1717 (भाग), 1721 (भाग), 1722 (भाग), 1747 (भाग), 1749 (भाग), 1905 (भाग), 1909 (भाग), 1910, 1911, 1912 (भाग), 1913, 1914 (भाग), 1931 (भाग), 1932, 1933 (भाग), 1934 (भाग), 2187 (भाग), 2203 (भाग), 2204 (भाग), 2205 (भाग), 2206 (भाग), 2207 (भाग), 2222 (भाग), 2223 (भाग), 2226 (भाग), 313/2927, 396/2928, 397/2929, 405/2930, 681/2931, 1180/2932, 1267/2933, 599/2934, 11/2981, 73/2982, 76/2983, 76/2984 76/2985, 76/2986, 76/2987, 76/2988, 76/2989, 76/2990, 76/2991, 87/2992, 87/2993, 87/2994, 87/2995, 2994/2996, 1148/3001, 3001/3002, 1101/3003, 2995/3004, 87/3005, 668/3006

3. चत्ती बरियातु ग्राम में अर्जित किये जाने वाले प्लॉट संख्या:

121 (भाग), 122 से 1567, 1568 (भाग), 1569 (भाग), 1572 (भाग), 1595 (भाग), 1596 (भाग), 1597 (भाग), 1598 से 1719, 1720 (भाग), 1721, 1722, 1723 (भाग), 1724 (भाग), 1725 (भाग), 1909 (भाग), 1910 (भाग), 1911 (भाग), 1912 से 1921, 1922 (भाग), 579/2017, 561/2018, 560/2019, 744/2020, 126/2069 (भाग), 126/2070 (भाग), 126/2071 (भाग), 126/2072 (भाग), 126/2073 (भाग), 126/2074 (भाग), 126/2075 (भाग), 126/2076, 126/2077, 126/2078 (भाग), 126/2079, 126/2080, 126/2081, 126/2082, 126/2083, 126/2084, 126/2085, 422/2086, 422/2087, 422/2088, 422/2089, 546/2090, 2090/2091, 371/2092

अर्जित किए जाने वाले वन प्लॉटों की सूची:

1. ग्राम चत्ती बरियातु में अर्जित किये जाने वाले प्लॉट संख्या: 121

2. ग्राम पगार में अर्जित किये जाने वाले प्लॉट संख्या: 48, 87, 135, 136 और 666

3. ग्राम जोरदाग में अर्जित किये जाने वाले प्लॉट संख्या: 2, 12, 13, 2024, 2022 उपरोक्त वन प्लॉट पहले ही उपर निर्दिष्ट राजस्व प्लॉटों में सम्मिलित हैं।

भारत 9 (1) के अधीन अधिसूचित किये जाने वाले ब्लॉक का सीमा वर्णन:-

रेखा क-क1-क2-ख: यह रेखा ग्राम चत्ती बरियातु के उत्तरी पश्चिमी किनारे पर बिन्दु 'क' से प्रारम्भ होती है और प्लॉट सं.-121 से गुजरती हुई बिन्दु क1 पर पहुँचती है उसके पश्चात यह रेखा प्लॉट सं. 4 से गुजरती हुई बिन्दु 'क2' तक जाती है और फिर यह रेखा आगे उसी दिशा में बढ़ते हुए प्लॉट सं. 2069, 2070, 2071, 2072, 2073, 2074 2075, 2078 से गुजरती हुई उक्त ग्राम

	के उत्तरी-पूर्वी सीमा पर बिन्दु 'ख' पर समाप्त होती है।		ग्राम के दक्षिणी पश्चिमी सीमा के बिन्दु 'ब' पर समाप्त होती है।
रेखा ख-ग:	यह रेखा ग्राम पगार के उत्तरी-पश्चिमी सीमा पर बिन्दु 'ख' से प्रारंभ होती है और प्लॉट सं. 5, 4, 3, 1, 6, 30, 68, 136, 670, 669, 668, 666, 664, 663 से गुजरती हुई उक्त ग्राम के उत्तरी-पूर्वी सीमा पर बिन्दु 'ग' पर समाप्त होती है।	रेखा च-छ	यह रेखा ग्राम जोरदाग के दक्षिणी-पूर्वी सीमा के बिन्दु 'च' से प्रारंभ होती है और प्लॉट सं. 1852, 1851, 1854, 1853, 1854, 1665, 1682, 1801, 1800, 1799, 1685, 1686, 1291, 1290, 1287, 1310, 1056, 1058, 1059, 1045, 1044, 1041, 1042, 1039, 1038, 1037, 1036, 1035, 1031, 450, 458, 459, 460, 462, 547, 540, 539, 537, 538, 579, 595, 594, 593, 591, 592, 590, 584, 588, 608 से होती हुई उक्त ग्राम के दक्षिणी-पश्चिमी सीमा पर बिन्दु 'छ' पर समाप्त होती है।
रेखा ग-गा-ग2-ग3-घ:	यह रेखा ग्राम पगार के उत्तरी-पूर्वी सीमा पर बिन्दु 'ग' से प्रारंभ होती है और दक्षिण की ओर प्लॉट सं. 662, 300, 656, 655, 654, 346, 648, 642, 722, 723, 724, 725, 734, 736, 759, 757, 756, 755, 753, 752, 750, 745, 749, 746, से होकर गुजरती हुई ग्राम-पगार में बिन्दु गा तक जाती है। इसके पश्चात् यह रेखा उसी ग्राम में पूर्वी सीमा के साथ-साथ बढ़ते हुए प्लॉट सं. 746, 747 एवं 846 से गुजरती हुई बिन्दु ग2 तक जाती है। इसके पश्चात् यह रेखा पूर्व की तरफ बढ़ते हुए प्लॉट सं. 846, 847, 853 एवं 855 से गुजरती हुई बिन्दु ग3 तक जाती है। फिर यह रेखा दक्षिण की तरफ आगे बढ़ते हुए ग्राम पगार के प्लॉट सं. 855, 856, 857, 859, 861, 862, 863, 869, 870, 868, 889, 890, 891, 894, 895, 896, 899, 898, 901 से होकर गुजरती हुई इसी ग्राम के प्लॉट सं. 902 पर बिन्दु 'घ' पर समाप्त होती है।	रेखा छ-ज	यह रेखा ग्राम जोरदाग के दक्षिणी-पश्चिमी सीमा के बिन्दु 'छ' से प्रारंभ होती है और उत्तर की ओर मुड़कर प्लॉट सं. 612, 611, 562, 622, 2024, 12, 2002, 2 से गुजरती हुई उक्त ग्राम के उत्तरी सीमा में स्थित बिन्दु 'ज' पर समाप्त होती है।
		रेखा ज-क:	यह रेखा ग्राम जोरदाग के उत्तरी-पश्चिमी सीमा के बिन्दु 'ज' से प्रारंभ होती है और ग्राम चत्ती बरियातु के प्लॉट सं. 121 से गुजरती हुई उक्त ग्राम के उत्तरी पश्चिमी सीमा पर स्थित बिन्दु 'क' पर समाप्त होती है।

[फा. सं. 43015/5/2006/पी आर आइ डब्ल्यू-1 (जिल्द-II)]

एम. राहनुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 24th June, 2008

S.O. 1522.—Whereas, by the notification of the Government of India in the Ministry of Coal, number S.O. 3555 dated the 13th December, 2007, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated 22nd December, 2007, the Central Government gave notice of its intention to acquire the lands and all rights in or over such lands specified in the Schedule appended to that notification;

And whereas, the competent authority in pursuance of Section 8 of the said Act, has made his report to the Central Government;

And whereas, the Central Government, after considering the report aforesaid and after consulting the

रेखा घ-ड.

यह रेखा ग्राम पगार के प्लॉट सं. 902 पर स्थित बिन्दु 'घ' से आरम्भ होती है और प्लॉट सं. 2226, 2223, 2222, 905, 2207, 2206, 2205, 2203, 930, 931, 932, 1206, 1207, 1208, 1210, 1934, 1933, 1931, 1261, 1914, 1912, 1909, 1905, 1748, 1274, 1747, 1722, 1721, 1717, 1715, 1671, 1670, 1669, 1668, 1653, 1654, 1658 से गुजरती हुई उक्त ग्राम के पश्चिमी सीमा के बिन्दु 'ड' पर समाप्त होती है।

रेखा ड-ब

यह रेखा ग्राम चत्ती बरियातु के दक्षिणी पूर्वी सीमा के बिन्दु 'ड' से प्रारंभ होती है और प्लॉट सं. 1720, 1721, 1725, 1724, 1723, 1709, 1910, 1911, 1921, 1922, 1597, 1596, 1595, 1266, 1572, 1565, 1569, 1568 से गुजरती हुई उक्त

Government of Jharkhand, is satisfied that the lands measuring 645.33 hectares (approximately) or 1593.98 acres (approximately) and all rights in or over such lands as described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that the lands measuring 645.33 hectares (approximately) or 1593.98 acres (approximately) and all rights in or over such lands as described in the Schedule are hereby acquired.

The plans bearing number NTPC/CM/SEC 9 (1) CHATTI BARIATU/07/01 dated 24-12-07 of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribag (Jharkhand State) or in the office of the Coal Controller, 1 Council House Street, Kolkata-700001 or in the office of the AGM (I/c) Pakri Barwadih Coal Mining Project, NTPC Limited, Opp. Laxmi Petrol Pump, Nawabganj, Hazaribag-825301 (Jharkhand) or in the office of the DGM (Coal Mining and Coal Washeries Division), NTPC Limited, PDIL Building, West Wing, First Floor, Plot No. A-14, Sector-1 Noida- 201301.

SCHEDULE

CHATTI BARIATU COAL MINING BLOCK

NORTH KARANPURA COALFIELDS IN DISTRICT HAZARIBAG, JHARKHAND

Plan number NTPC/CM/SEC 9 (1) CHATTI BARIATU/07/01 dated 24-12-07

All Rights

(A) REVENUE LAND

Sl. No.	Village Thana	Thana No.	District	Total area (Approximately) Hectare	Acres	Remark
01	Chatti-bariatu	Keredari 14	Hazaribag	185.38	457.89	Part
02	Jordag	Keredari 15	Hazaribag	161.72	399.45	Part
03	Pagar	Keredari 19	Hazaribagh	236.52	584.20	Part
Total				583.62	1441.54	

(B) FOREST LAND

Sl. No.	Village Thana	Thana No.	District	Total area (Approximately) Hectare	Acres	Remark
01	Chatti-bariatu	Keredari 14	Hazaribag	4.57	11.31	Part
02	Jordag	Keredari 15	Hazaribag	32.74	80.87	Part
03	Pagar	Keredari 19	Hazaribagh	24.40	60.26	Part
Total				61.71	152.44	

Summary:

(A) Total Revenue Land: 583.62 hectares (Approximately)= 1441.54 acres (Approximately)

(B) Total Forest Land: 61.71 hectares (Approximately)= 152.44 acres (Approximately)

(C) Grand Total (A+B): 645.33 hectares (Approximately)= 1593.98 acres (Approximately)

LIST OF REVENUE PLOTS TO BE ACQUIRED

1. Plots numbers to be acquired in village Jordag:

2 (part), 4 (part), 5 to 11, 12 (part), 13 to 449, 450 (part), 451 to 458, 459 (part), 460 (part), 462 (part), 466 (part), 468 (part), 537 (part), 538 (part), 539 (part), 540 (part), 541 to 546, 547 (part), 548 to 561, 562 (part), 563 to 578, 579 (part), 580 to 583, 584 (part), 585 to 587, 588 (part), 590 (part), 591 (part), 592 (part), 593, 594 (part), 595 (part), 597 (part), 608 (part), 609, 610, 611 (part), 612 (part), 622 (part), 1031 (part), 1032, 1033, 1034, 1035 (part), 1036 (part), 1037 (part), 1038 (part), 1039, 1040, 1041 (part), 1042 (part), 1043 (part), 1044 (part), 1045 (part), 1056 (part), 1057 (part), 1058 (part), 1059 (part), 1060 to 1282, 1283 (part), 1284 to 1286, 1287 (part), 1288, 1289 (part), 1290 (part), 1291 (part), 1310 (part), 1665 (part), 1682 (part), 1685 (part), 1686 to 1799, 1800 (part), 1801 (part), 1802 to 1851, 1852 (part), 1853 (part), 1854 (part), 208/1956, 1232/1958, 1220/1959, 1243/1960, 177/2020, 2/2022 (part), 4/2024 (part).

2. Plot numbers to be acquired in village Pagar:—

1 (part), 3 (part), 4 (part), 5 (part), 6 to 29, 30 (part), 31 (part), 48 (part), 49 to 67, 68 (part), 69 to 135, 136 (part), 137 to 277, 278 (part), 279 to 299, 300 (part), 301 to 322, 324 to 641, 642 (part), 643 (part), 648 (part), 655 (part), 662 (part), 663 (part), 664 (part), 666 (part), 667, 668 (part), 669 (part), 670 (part), 722 (part), 723 (part), 724 (part), 725 (part), 726 to 733, 734 (part), 735, 736 (part), 745 (part), 746 (part), 747, 748, 749 (part), 750 (part), 751, 752 (part), 753 (part), 755 (part), 756 (part), 757 (part), 758, 759 (part), 760 to 853, 854 (part), 855 (part), 857 (part), 858, 859 (part), 861 (part), 862 (part), 863 (part), 864, 865, 866, 867, 868 (part), 869 (part), 870 (part), 889 (part), 890 (part), 891 (part), 894 (part), 895 (part), 896 (part), 898 (part), 899 (part), 900, 901 (part), 902 (part), 903, 904, 905 (part), 906 to 929, 930 (part), 931 (part), 932 (part), 933 to 1205, 1206 (part), 1207 (part), 1208 (part), 1209 to 1260, 1261 (part), 1262, 1263, 1264, 1265 (part), 1266 to 1273, 1274 (part), 1275 to 1652, 1653 (part), 1654 (part), 1655, 1656, 1657, 1658 (part), 1668 (part), 1669 (part), 1670 (part), 1671 (part), 1715 (part), 1716, 1717 (part), 1721 (part), 1722 (part), 1747 (part), 1749 (part), 1905 (part), 1909 (part), 1910, 1911, 1912 (part), 1913, 1914 (part), 1931 (part), 1932, 1933 (part), 1934 (part), 2187 (part), 2203 (part), 2204, 2205 (part), 2206 (part), 2207 (part), 2222 (part), 2223 (part), 2226 (part), 313/2927, 396/2928, 397/2929, 405/2930, 681/2931, 1180/2932, 599/2934, 11/2981, 73/2982, 76/2983, 76/2984, 76/2985, 76/2986, 76/2987, 76/2988, 76/2989, 76/2990, 76/2991, 87/2992, 87/2993, 87/2994, 87/2995, 2994/2996, 1148/3001, 3001/3002, 1101/3003, 2995/3004, 87/3005, 668/3006.

3. Plots numbers to be acquired in village Chatti Bariatu:-

121 (part), 122 to 1567, 1568 (part), 1569 (part), 1572 (part), 1595 (part), 1596 (part), 1597 (part), 1598 to 1719, 1720 (part), 1721, 1722, 1723 (part), 1724 (part), 1725 (part), 1909 (part), 1910 (part), 1911 (part), 1912 to 1921, 1922 (part), 597/2017, 561/2018, 500/2019, 744/2020 126/2069 (part), 126/2070 (part), 126/2071 (part), 126/2072 (part), 126/2073 (part), 126/2074 (part), 126/2075 (part), 126/2076, 126/2077, 126/2078 (part), 126/2079, 126/2080, 126/2081, 126/2082, 126/2083, 126/2084, 126/2085, 422/2086, 422/2087, 422/2088, 422/2089, 546/2090, 2090/2091, 371/2092

LIST OF FOREST PLOTS TO BE ACQUIRED

1. Plot numbers to be acquired in village Chattibariatu: 121.

2. Plot numbers to be acquired in village Pagar: 48, 87, 135, 136 and 666.

3. Plot numbers to be acquired in village Jordag: 2, 12, 13, 2024 and 2022.

The above forest plots are already included in above mentioned revenue plots.

Boundary Description of the Block Area to be notified u/s 9 (1)

Line A-A1-A2-B: The line starts from point 'A' at the north-west corner of the village 'Chattibariatu' passing through the Plot numbers 121 upto point A1, it moves further through plot no.4 upto point A-2 and moves further in the same direction through plot numbers 2069, 2070, 2071, 2072, 2073, 2074, 2075 2078 and ends at the point 'B' on the north-east boundary of the said village.

Line B-C The line starts from point 'B' at the north-west boundary of village Pagar and passing through the plots no. 5, 4, 3, 1, 6, 30, 68, 136, 670, 669, 668, 666, 664, 663, and end at the point 'C' on the north-east of boundary corner of the said village.

Line C-C1-C2- C3-D: The line starts from point 'C' at the north-east of Villag Pagar moves southwards through the plot numbers 662, 300, 656, 655, 654, 346, 648, 642, 722, 723, 724, 725, 734, 736, 759, 757, 756, 755, 753, 752, 750, 745, 749, 746, of village Pagar upto point C1 thereafter the line moves along the eastern boundary of the same village through plot nos.746, 747, 846 upto point C2 and then it moves towards East upto point C3 through plot nos.

846, 847, 853, and 855. The line further moves southward through plot numbers 856, 857, 859, 861, 862, 863, 869, 870, 868, 889, 890, 891, 894, 895, 896, 899, 898, 901, of village Pagar and ends at point 'D' on the plot numbers 902 of the said village.

Line D-E: The line starts from point 'D' at the plot numbers 902 of the Village Pagar passing through the plots numbers 2226, 2223, 2222, 905, 2207, 2206, 2205, 2203, 930, 931, 932, 1206, 1207, 1208, 1210, 1934, 1933, 1931, 1261, 1914, 1912, 1909, 1905, 1748, 1274, 1747, 1722, 1721, 1717, 1715, 1671, 1670, 1669, 1668, 1653, 1654, 1658 and ends at the point 'E' on the western boundary of said village.

Line E-F The line starts from point 'E' at the south-east boundary of the village Chattibariatu passing through the plots numbers 1720, 1721, 1725, 1724, 1723, 1709, 1910, 1911, 1921, 1922, 1597, 1596, 1595, 1266, 1572, 1565, 1569, 1568 and ends at the point 'F' on the south-west of the said village.

Line F-G: The line starts from line 'F' near the south-east boundary of village Jordag passing through the plots numbers 1852, 1851, 1854, 1853, 1854, 1665, 1682, 1801, 1800, 1799 1685, 1686, 1291, 1290, 1287, 1310, 1056, 1058, 1059, 1045, 1044, 1041, 1042, 1039, 1038, 1037, 1036, 1035, 1031, 450, 458, 459, 460, 462, 547, 466, 547, 540, 539, 537, 538, 579, 595, 594, 593, 591, 592, 591, 590, 584, 588, 608 and ends at point 'G' near the south-west boundary of the village Jordag.

Line G-H: The line starts from 'G' at the south-west corner of the village Jordag moves northwards through the plots numbers 612, 611, 562, 622, 2024, 12, 2022, 2, of the said village and end at the point 'H' on the north corner of the said village.

Line H-A: The line starts from point 'H' at the north-west boundary of the village Jordag and passing through the Plot number 121 of the Village Chattibariatu ends at the point 'A' on the north-west corner of the village Chattibariatu.

[F.No.43015/5/2006/PR1W-1 (Vol. II)]

M. SHAHABUDEEN, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

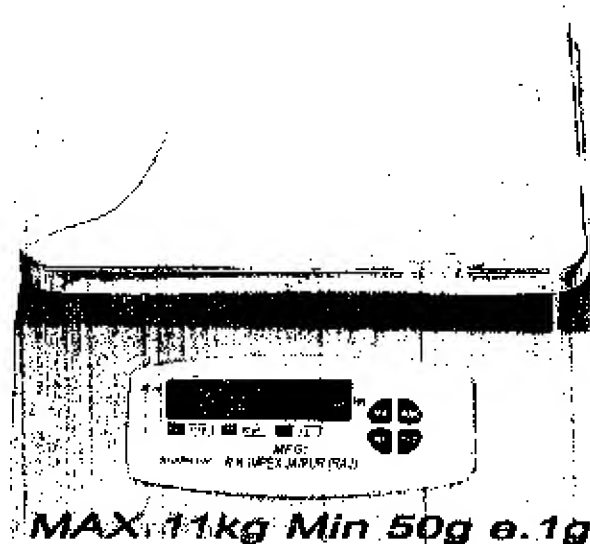
(उपभोक्ता मामले विभाग)

नई दिल्ली, 8 फरवरी, 2008

का.आ. 1523.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् वह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स आर. कं. इम्पेक्स, जाट के कुएँ का रास्ता, 7वाँ चौराहा, चंदेपाल बाजार, जयपुर, राजस्थान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस डी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शार्क/ऊम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 109/07/432 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 11 कि.ग्रा. है और न्यूनतम क्षमता 50 ग्रा. है सत्यापन मापमान अंतराल (ई) 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धरित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



सर्विचन और इसी सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा तथा मॉडल को डिब्बे से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि को शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वह घोषणा करती है कि उक्त मॉडल का अनुमोदन को इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मिली ग्रा. या 50 मिली ग्रा. तक "ई" मान के लिए 100 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मिली ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक और 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-5} , 2×10^{-5} , 5×10^{-5} , के हैं। नोट: उपरोक्त मापमापक पूर्णांक वा शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(233)/2007]

आर माधुसूक्ष्म, निदेशक, विधिक माप विज्ञान

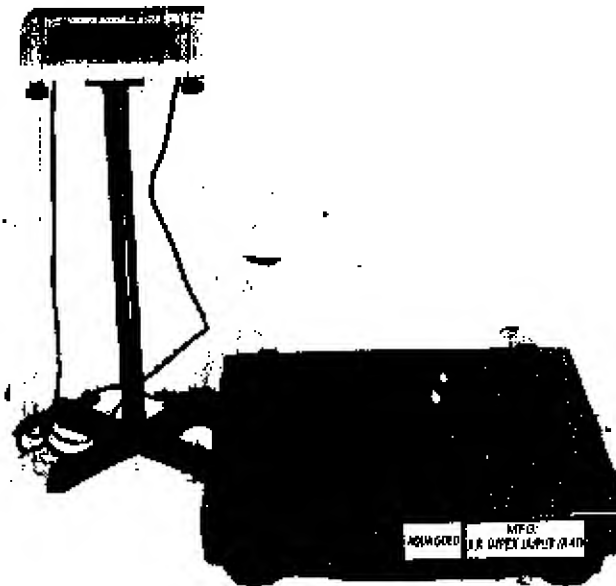
R. MATHUR BOOTHAM, Director of Legal Metrology

नई दिल्ली, 8 फरवरी, 2008

का.आ. 1524.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स आर. के. इम्पेक्स, जाट के कूप का रास्ता, 7वां चौराहा, चांदपोल बाजार, जयपुर, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ए पी-यू" शृंखला के अस्वचालित, स्वतः सूचक, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एक्ज्यूवा गोल्ड" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/433 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल को सीलिंग प्रावधान का विशिष्ट स्कोम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक तथा 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 अथवा 5×10^5 , के हैं, जहाँ पर 'क' घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(233)/2007]

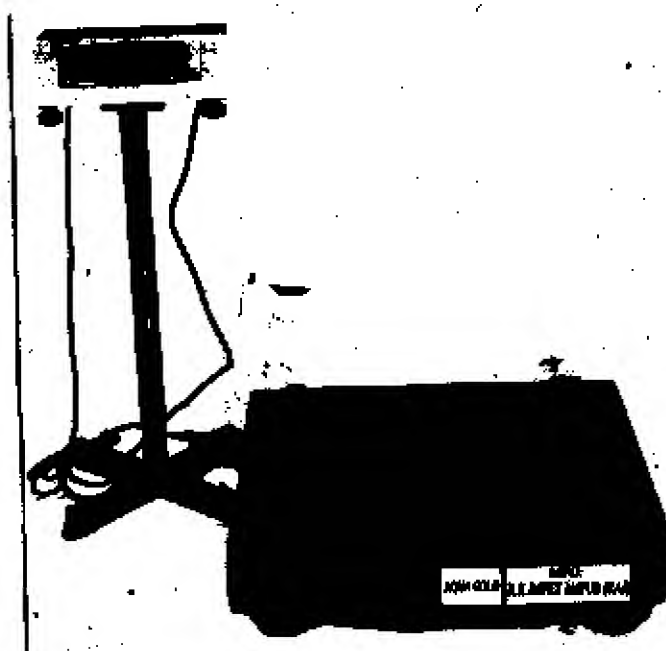
आर. माधुरधाम, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th February, 2008

S.O. 1524.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "AP-U" series of medium accuracy (Accuracy class-III) and with brand name "AQUA GOLD" (herein referred to as the said model), manufactured by M/s. R. K. Impex, Jat ke Kure ka Rasta, 7th Choraha, Chandpole Bazar, Jaipur, Rajasthan and which is assigned the approval mark IND/09/07/433;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply. The machine is also having facility for conversion of kg. to litre.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^1 , 2×10^1 or 5×10^1 , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

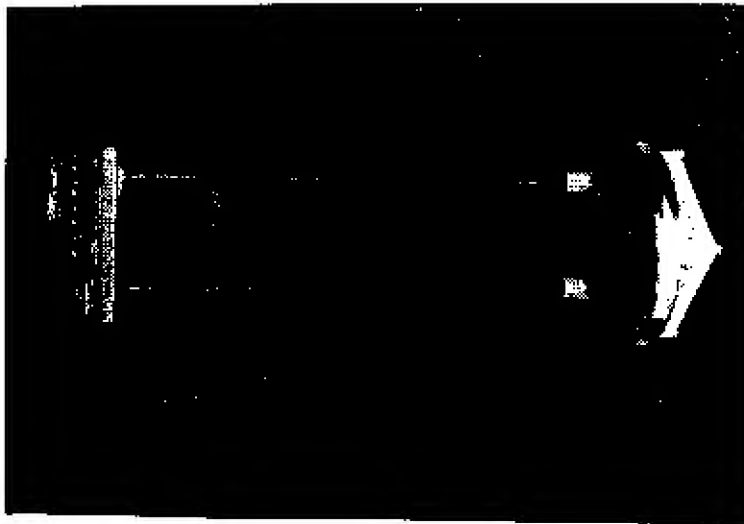
[F. No. WM-21 (233)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

का.आ. 1525.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स कोसेना सिस्टम, "सावंत प्लाजा" एस नं. 21/2, ऑफिस नं. 20, 21, 22ए प्रथम तल, पेट्रोल पम्प के पास, बालाजी नगर, धंकावाड़ी, पुणे-411 043, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डी एक्स पी" शृंखला के अंकक सूचन सहित, अस्थायित्व तोलन उपकरण (व्यक्ति तोलन मशीन-टिकट मुद्रण सुविधा के साथ या उसके बिना) के मॉडल का, जिसके ब्रांड का नाम "डिलीजेंट स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/166 संप्रदर्शित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। स्थापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. से 200 कि.ग्रा. तक की रेंज में अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(73)/2007]

आर माथुरबुध्म, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1525.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with digital indication (Person Weighing Machine-with or without ticket printing facility) of medium accuracy (Accuracy class-III) belonging to 'DxP' series with brand name "DILIGENT SCALE" (herein referred to as the said model), manufactured by M/s. Corona Systems, "Sawant Plaza", S. No. 21/2, Office No. 20, 21, 22, 1st Floor Nr. petrol Pump, Bahaji Nagar, Dhankawadi, Pune-411 043, Maharashtra and which is assigned the approval mark IND/09/07/166;



The said model is a strain gauge type load cell based weighing instrument with the maximum capacity of 150kg. and minimum capacity is 2kg. The verification scale interval (e) is 100g. The display is of Light Emitting Diode (LED) type. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg. to 200kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

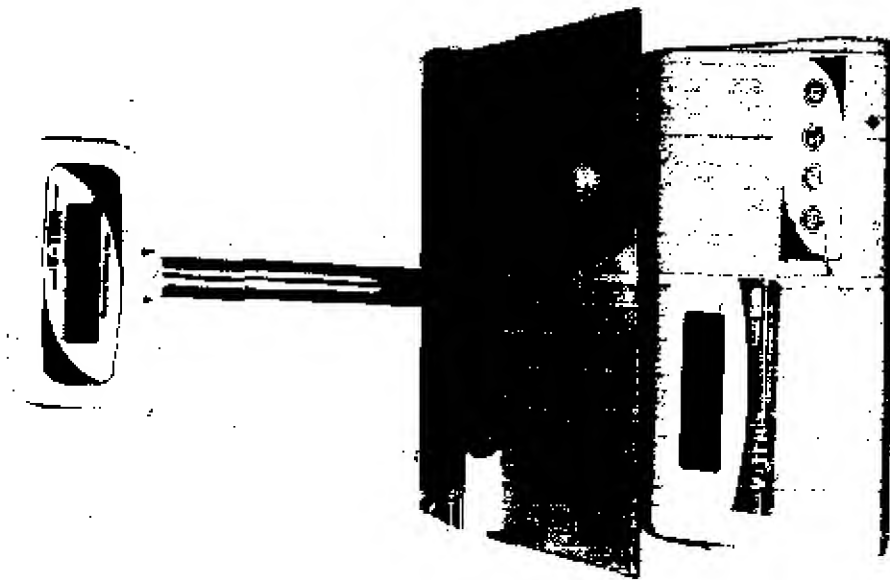
(F. No. WM-21 (73)/2007)

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

क्रा.आ. 1526.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स बी-टैक सिस्टम, डी-140, प्रथम तल, अजरौडा, सेक्टर-15ए, फरीदाबाद, हरियाणा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "बी टी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बी-टैक" है (जिसे इसमें इसको पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन क्रिड आई एन डी /09/07/192 सम्पुर्ण किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

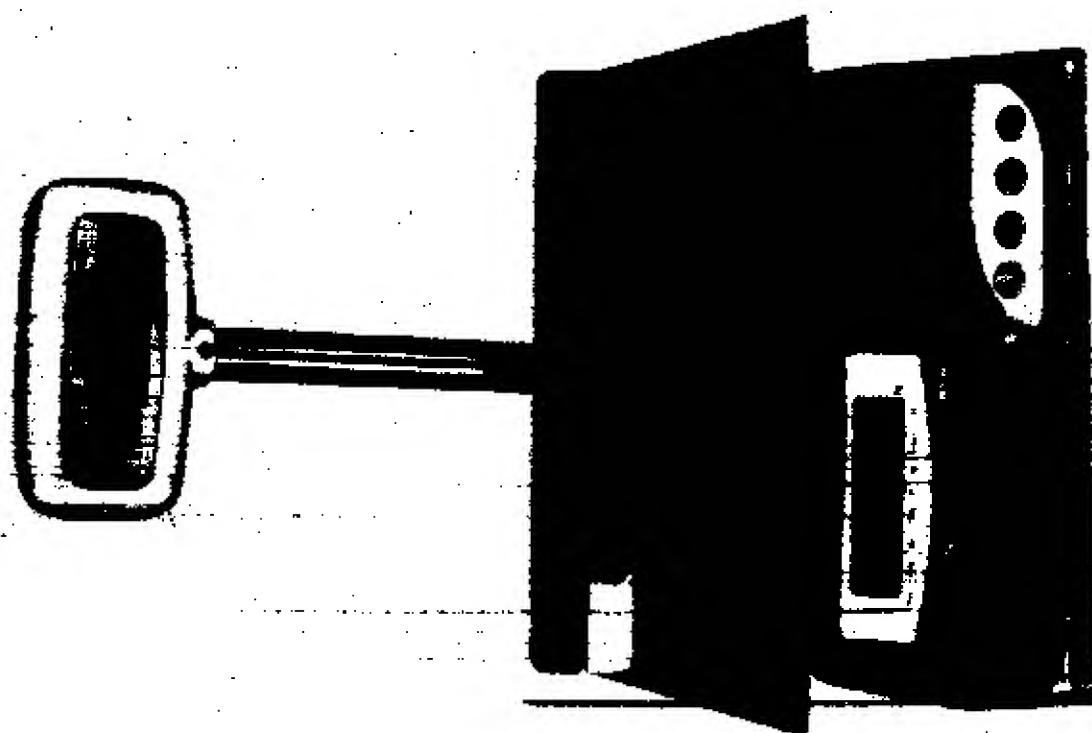
[फा. सं. डब्ल्यू एम 21(79)/2007]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1526.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "VIT" series of high accuracy (Accuracy class-II) and with brand name "V-TEK" (herein referred to as the said model), manufactured by M/s. V-Tek System, D-140, First Floor, Ajmalji, Sec. 15A, Faridabad, Haryana and which is assigned the approval number IN/0307/192;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

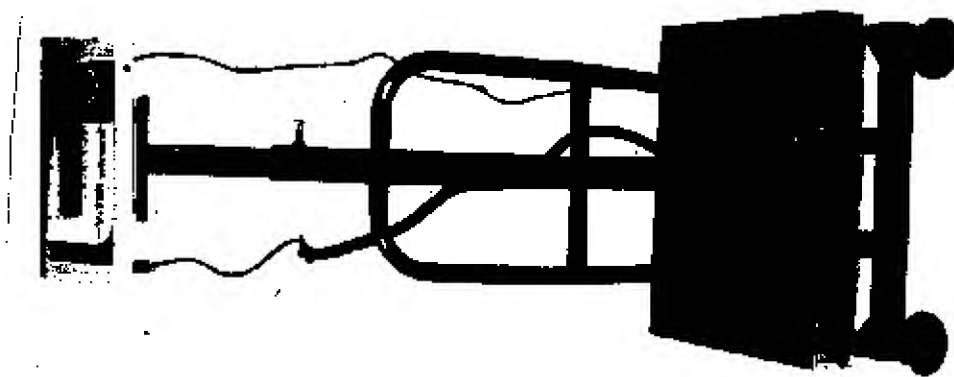
[F. No. WM-21(79)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

क्र.आ. 1527.—केन्द्रीय सरकार का, विहित अधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सी-टैक सिस्टम, डी-140, प्रथम तल, अजरोड़ा, सेक्टर-15ए, फरीदाबाद, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "वी टी पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "सी-टैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/193 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि.ग्रा. है और न्यूनतम क्षमता 1 कि.ग्रा. है सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और माडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के चारों ओर, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

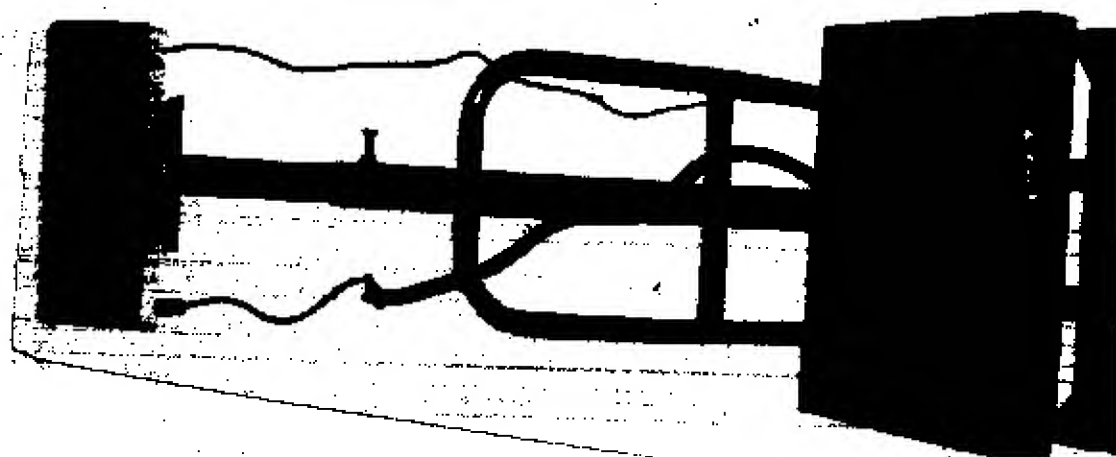
[फा. सं. डब्ल्यू एम 21(79)/2007]

आर माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1527.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "VTP" series of medium accuracy (Accuracy class-III) and with brand name "V-TEK" (herein referred to as the said model), manufactured by M/s. V-Tek System, D-140, First Floor, Ajronda, Sec-15A, Faridabad, Haryana and which is assigned the approval mark IND/09/07/193;



The said model is a strain gauge type load cell based non-automatic weighing instrument with the maximum capacity of 200kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (79)/2007]

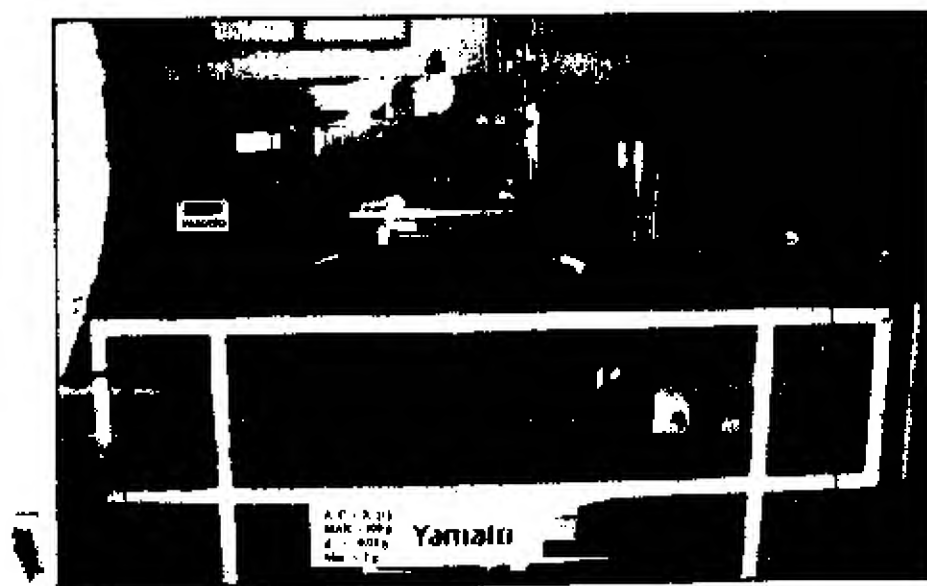
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

क्रा.आ. 1528.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेंगे और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स यामातो स्केल्स कं. लि., 5-22 सबेनबाचो, आकाशी, जापान-673 8688 द्वारा निर्मित और मैसर्स एटाप यूड प्रोडक्ट्स, मोर्बी राजकोट हाइवे, पोस्ट बॉक्स नं. 007, लाजार्ई, मोर्बी-363 641 गुजरात द्वारा भारत में विक्रीत यथार्थ वर्ग X(1) वाले "ए डी डब्ल्यू" शृंखला के आटोमेटिक ग्रेविमेट्रिक फिलिंग इंस्ट्रूमेंट के मॉडल का, जिसके ब्रांड का नाम "यामातो" है (जिसे इसमें इसको पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन दिवस आई एन डी /09/08/97 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल चार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण है। इसकी अधिकतम क्षमता 100 ग्र. है और न्यूनतम क्षमता 1 ग्र. है और इसका स्केल विभाजन 50 मि.ग्र. है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट त्रुटिग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित सभी शृंखला के जैसे ही पैक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिसकी रेंज 4 ग्र. से 500 ग्र. तक है।

[फा. सं. डब्ल्यू.एम. 21(162)/2007]

आर माधुरबूधन, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

S.O. 1528.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the Automatic Gravimetric Filling Instrument of accuracy class-X(1) of "ADW" series with brand name "YAMATO" (herein referred to as the said Model), manufactured by M/s. Yamato Scales Co. Ltd, 5-22 Sabenbacho, Akashi, Japan-673 8688 and marketed in India as M/s Atop Food Products, Morbi Rajkot Highway, Post Box No. 007, Lajal, Morbi-363 641, Gujarat and which is assigned the approval mark IND/09/08/97;

The said model (see the figure given below) is a load cell based Automatic Gravimetric Filling Instrument with a maximum capacity of 100 g, minimum capacity of 1 g. and with scale division of 50 mg. The Liquid Crystal display (LCD) indicates the weighing result. The instrument operates on 230Volts and 50-Hertz alternate current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with capacity in the range 4 g. to 500 g. manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (162)/2007]

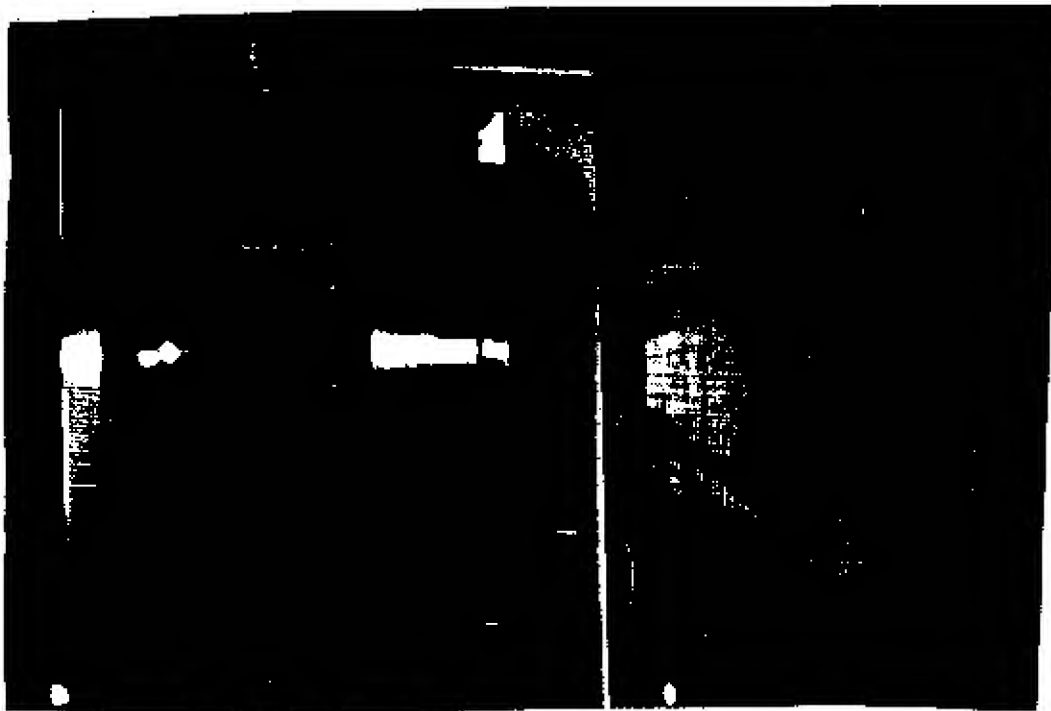
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

फा.आ. 1529.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेट्रोनिक्स कंट्रोलस, 16, हिन्दुस्तान कोहिनूर इंडस्ट्रियल कॉम्प्लैक्स, एल, बी एस मार्ग, विकरोली (वेस्ट), मुंबई द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डब्ल्यू बी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वेट्रोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/ 09/07/434 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन है और न्यूनतम क्षमता 400 कि.ग्रा. है सत्यापन मापमान अंतराल (ई) 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 अथवा 5×10^3 , के हैं, जहां पर 'क' घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(183)/2007]

आर माधुराबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1529.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Weighbridge type) with digital indication of "WB" series of medium accuracy (accuracy class-III) and with brand name "WEIGHTRONIX" (herein after referred to as the said model), manufactured by M/s. Weightronix Controls, 16, Hindustan Kohinoor Industrial Complex, L, B.S. Marg, Vikhroli(W), Mumbai, Maharashtra and which is assigned the approval mark IND/09/07/434;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 400kg. The verification scale interval (e) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. A typical schematic diagram of the sealing arrangement of the model has been given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 150 tonne with verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (183)/2007]

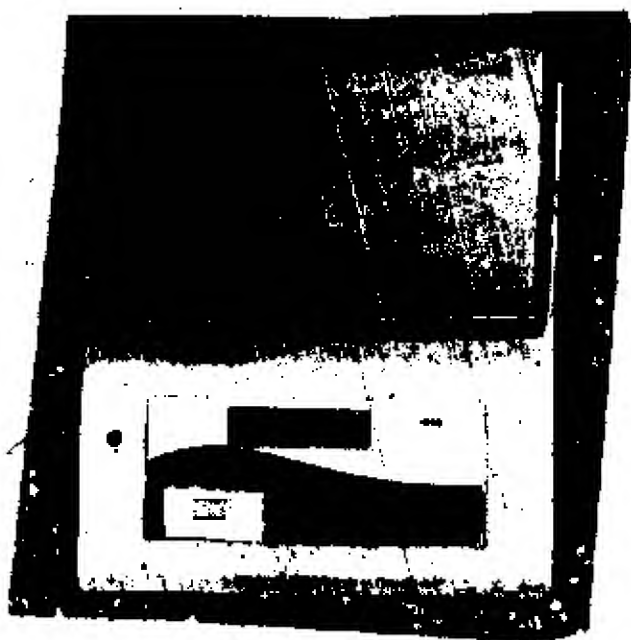
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

क्र.अ. 1530.—केन्द्रीय सरकार को, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल ब्यापक बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स रेमको इलेक्ट्रॉनिक वेइंग सिस्टम, 5174-75 कोल्हापुर रोड, कमला नगर, दिल्ली-07 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "आर टी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके जिसके ब्रांड का नाम "रेमको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/418 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 250 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका सत प्रतिलिप्त व्यकलनात्मक भारित आधेयतुलन प्रमाण है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टैपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्ध किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परीक्षण नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्क्रीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मिली ग्रा. से 50 मिली ग्रा. तक "ई" मान के लिए 100 से 50000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मिली ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक और 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के ई, के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(230)/2007]

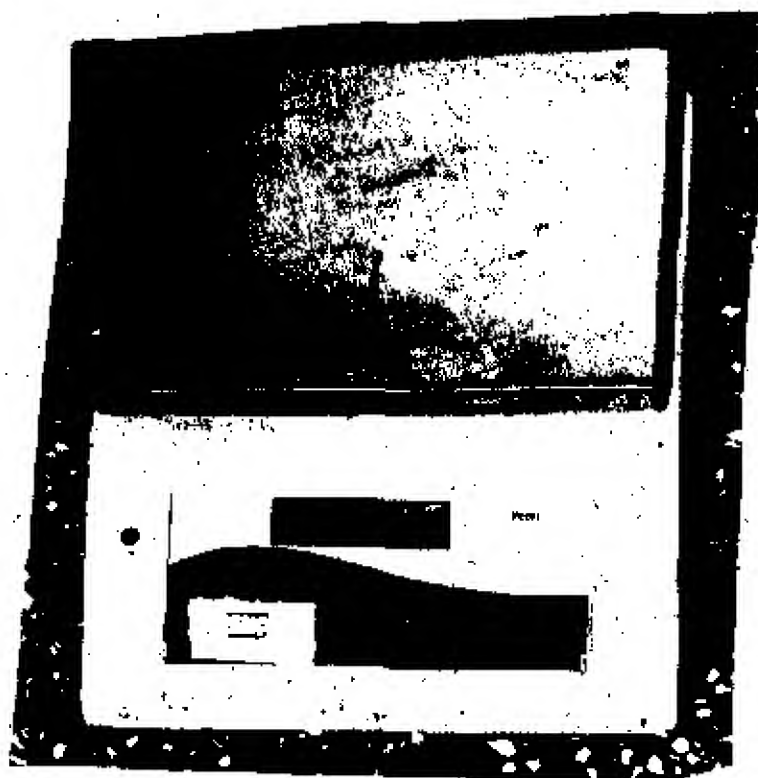
आर माधुराधन, निदेशक, विधिक माप विभाग

New Delhi, the 14th March, 2008

S.O. 1530.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "RTT" series of high accuracy (accuracy class-II) and with brand name "REMCO" (herein referred to as the said model), manufactured by M/s. Remco Electronic Weighing System, 5174-75, Kolhapur Road, Kamla Nagar, Delhi-07 and which is assigned the approval mark IND/09/07/418;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 250g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model has been given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 30kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^4 , 2×10^4 or 5×10^4 , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (230)/2007]

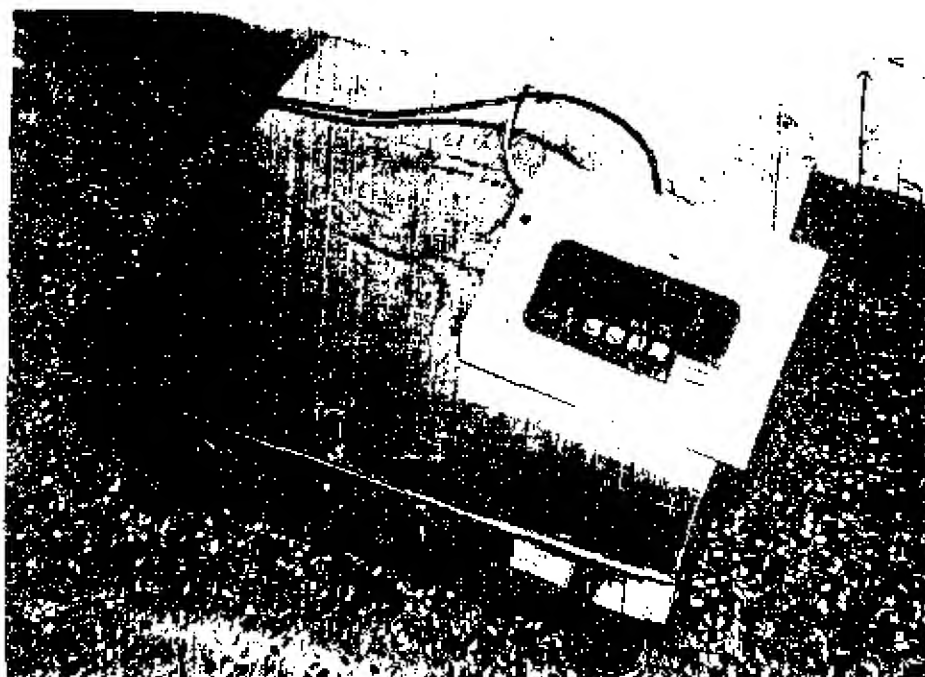
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1531.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स रेमको इलेक्ट्रॉनिक वेंडिंग सिस्टम, S174-75 कोल्हापुर रोड, कमला नगर, दिल्ली-07 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "आर पी एफ" शृंखला के स्वतःसूचक, अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रेमको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/419 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। स्थापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। मशीन में कि.ग्रा. को लीडर में बदलने की सुविधा है।



स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन भिन्नता आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्क्रीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे वस्तु अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यक्षमता के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , अथवा 5×10^4 , के हैं, जहाँ पर 'के' जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(230)/2007]

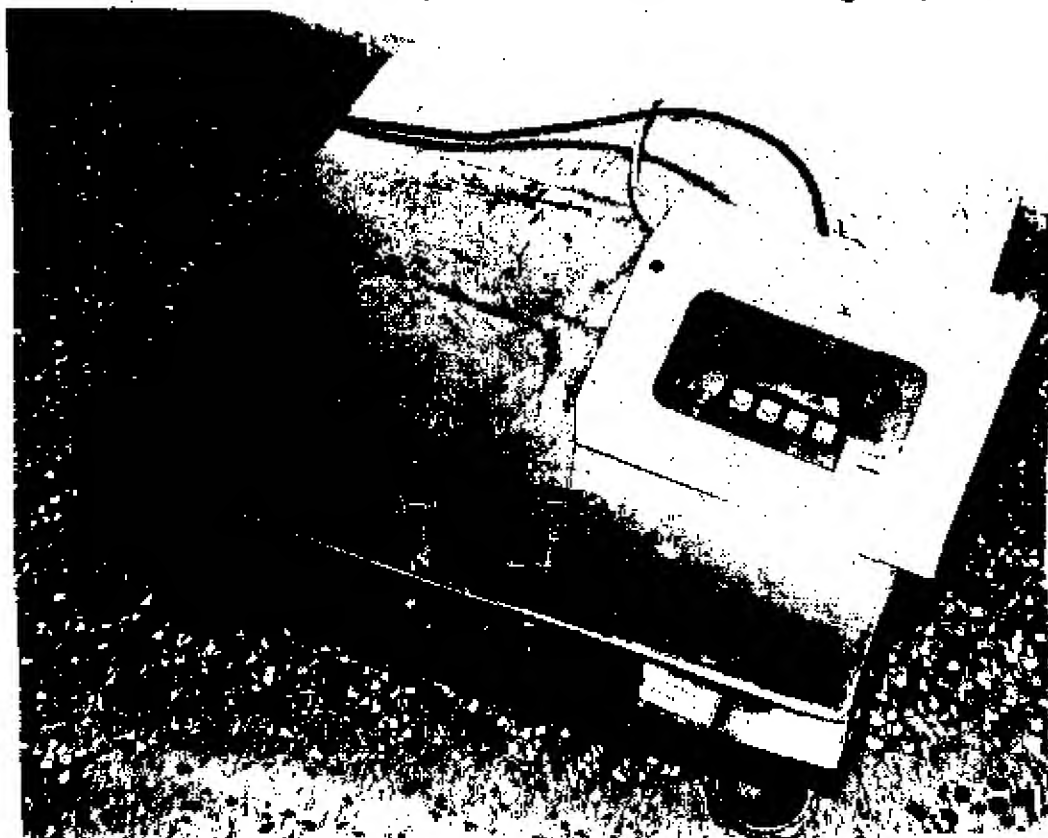
आर. माधुराधम, निदेशक, विधिक माप विभाग

New Delhi, the 14th March, 2008

S.O. 1531.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "RPF" series of medium accuracy (Accuracy class-III) and with brand name "REMCO" (herein referred to as the said model), manufactured by M/s. Remco Electronic Weighing System, 5174-75, Kolhapur Road, Kamla Nagar, Delhi-07 and which is assigned the approval mark IND/09/07/419;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 500kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply. The machine is also having facility for conversion of kg to litre.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument provision of the model of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (230)/2007]

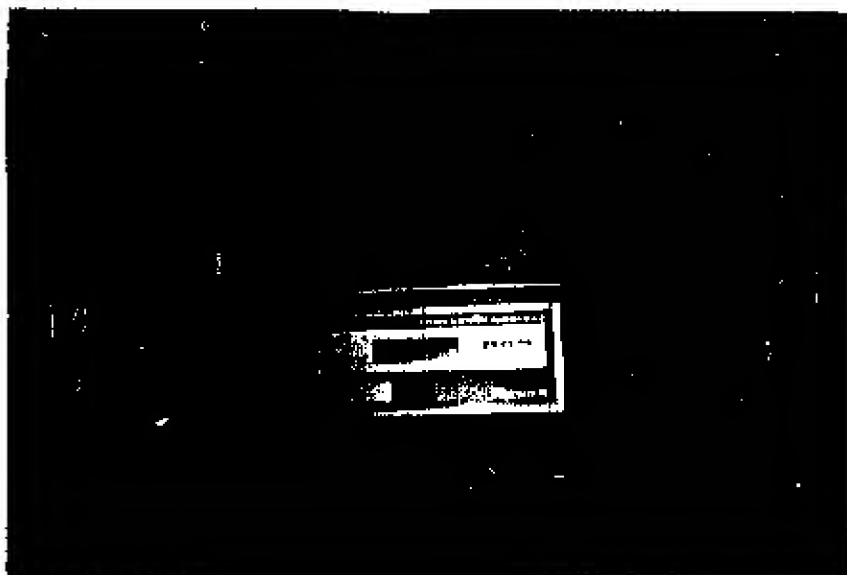
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1532.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह संपादन हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स प्रिन्सिपल इंजीनियरिंग वर्क्स, 16 ए, हल्दरपारा लैन, हावड़ा-711104, पश्चिम बंगाल द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "पी ई ई-9 जे" शृंखला के अंकक सूचक सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके जिसके ब्रांड का नाम "प्रिन्सिपल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 109/08/15 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक चिकुत मेज प्रकार का मार सेल आधारित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 20 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत स्थवकसन्तुलक धारित आधेयतुलन प्रभाव है। लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलबंद करने के प्रावधान का स्कीमैटिक डायग्राम

इन्डिकेटर के पीछे की ओर से कपटपूर्ण प्रयोग करने से बचाने के लिए स्टाम्पिंग प्लेट पर सीलिंग रिवेट लगाई जाती है। अंदरूनी सीलिंग तार को रिवेट के जरिए इन्डिकेटर के साथ जोड़ा जाता है ताकि इन्डिकेटर के कवर को बिना दोनों रिवेट सील को तोड़े खोला जा सकें। मॉडल के सीलिंग प्रावधान को स्कीमैटिक डायग्राम ऊपर दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्राम से 50 मि.ग्राम के 'ई' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[पत्र सं. डब्ल्यू एम-21(170)/2007]

आर. माधुसूधन, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1532.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "PEE-9-J" and with brand name "PREMIER" (hereinafter referred to as the said model), manufactured by M/s. Premier Engineering Works, 16 A, Halderpara Lane, Howrah-711104, West Bengal and which is assigned the approval mark IND/09/08/15;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Fig. 2 Sealing arrangement

Sealing rivet is affixed on the stamping plate to avoid fraudulent use at the right side of the scale. Internal sealing wire is connected with the scale through the rivet, so that the scale cover can not be opened without breaking the both rivet seals. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval(n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(170)/2007]

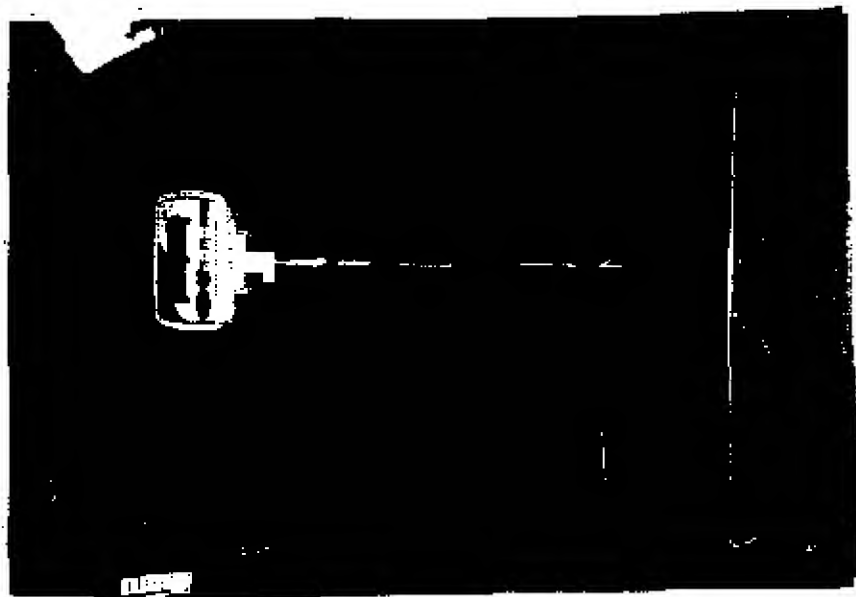
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

क्र.आ. 1533.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगतार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स प्रिमियर इंजीनियरिंग वर्क्स, 16 ए, हल्दरपारा लेन, हावड़ा-711104, पश्चिम बंगाल द्वारा विनिर्मित सामान्य यथार्थता वर्ग (यथार्थता वर्ग III) वाले “पी ई एस-85/एफ” शृंखला के अंकक सूचक सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके जिसके ब्रांड का नाम “प्रिमियर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/16 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 कि.ग्र. है और न्यूनतम क्षमता 1 किलो ग्राम है। इसका सत्यापन मापमान अंतराल 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलबंद करने के प्रावधान का स्कैमैटिक डायग्राम

इन्डिकेटर के पीछे की ओर से कपटपूर्ण प्रयोग करने से बचाने के लिए स्टैम्पिंग प्लेट पर सीलिंग रिवेट लगाई जाती है। अंदरूनी सीलिंग तार को रिवेट के जरिए इन्डिकेटर के साथ जोड़ा जाता है ताकि इन्डिकेटर के कवर को बिना दोनों रिवेट सील को तोड़े खोला न जा सके। मॉडल के सीलिंग प्रावधान को स्कैमैटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही पैके, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5,000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(170)/2007]

आर. माधुरव्थम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1533.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "PES-85/F" and with brand name "PREMIER" (hereinafter referred to as the said model), manufactured by M/s. Premier Engineering Works, 16 A, Halderpara Lane, Howrah-711104, West Bengal and which is assigned the approval mark IND/09/08/16;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

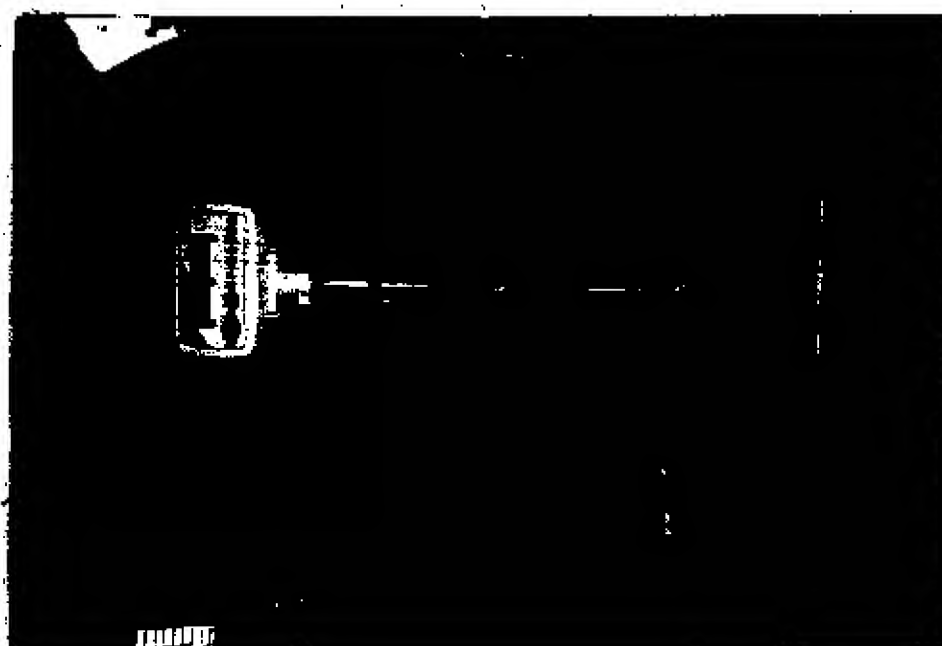


Fig. 2 Sealing arrangement

Sealing rivet is affixed on the stamping plate to avoid fraudulent use at the back side of the indicator. Internal sealing wire is connected with the indicator through the rivet, so that the indicator cover can not be opened without breaking the both rivet seals. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 50 kg and up to 5,000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (170)/2007]

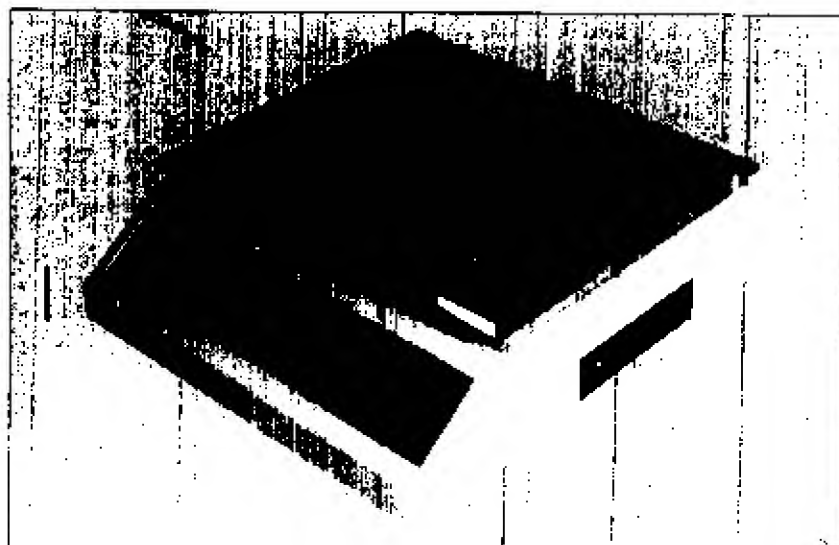
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

क्र.आ. 1534.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स इंडस वेइंग सिस्टम प्रा.लि., #14, 2एंड स्ट्रीट, कुमारासामी नगर, सिविल एरोड्रोम पोस्ट, कोयम्बतूर-641 014 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “आई डब्ल्यू एस टी” शृंखला अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ‘इंडस’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/442 समुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि. ग्राम और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलबंद करने के प्रावधान का स्कीमैटिक डायग्राम

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. के ‘ई’ मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के ‘ई’ मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) और सहित 50 कि. ग्राम तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(192)/2007]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1534.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "TWSI" series of medium accuracy (accuracy class-III) and with brand name "INDUS" (hereinafter referred to as the said model), manufactured by M/s. Indus Weighing Systems Pvt. Ltd., #14, 2nd Street, Kumarasamy Nagar, Civil Aerodrome Post, Coimbatore-641 014 and which is assigned the approval mark IND/09/07/442;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. The instrument has additional features like piece counting, meter conversion (for fabric and other material), kg to litre conversion and price computing. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

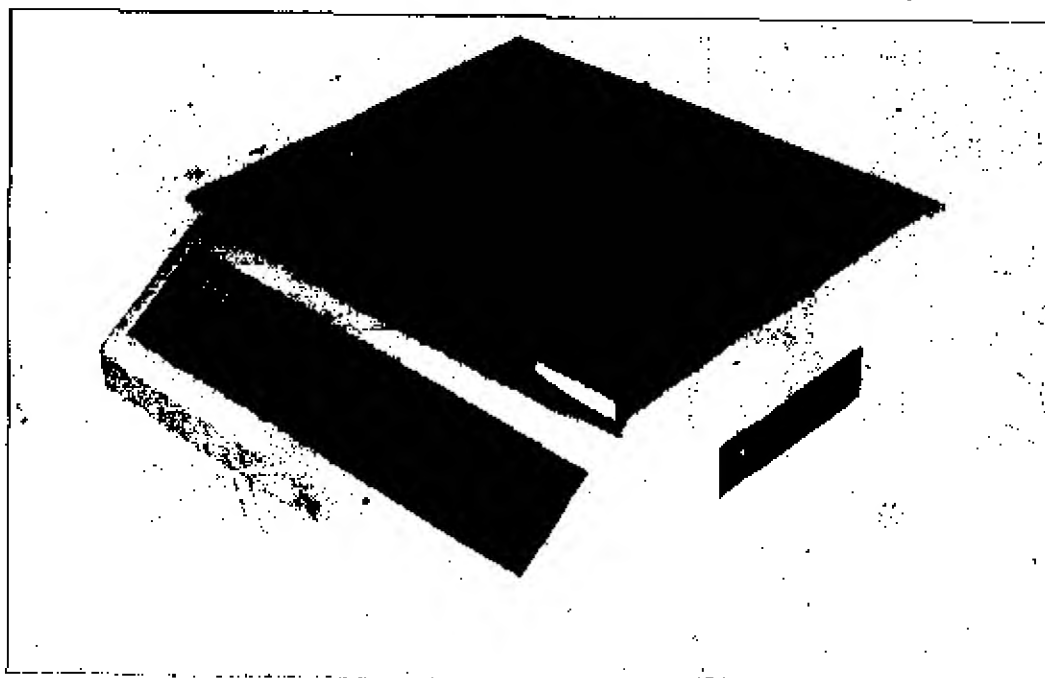


Fig. 2 Schematic diagram of sealing provision of the model

The sealing shall be done to prevent opening of the machine, for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (192)/2007]

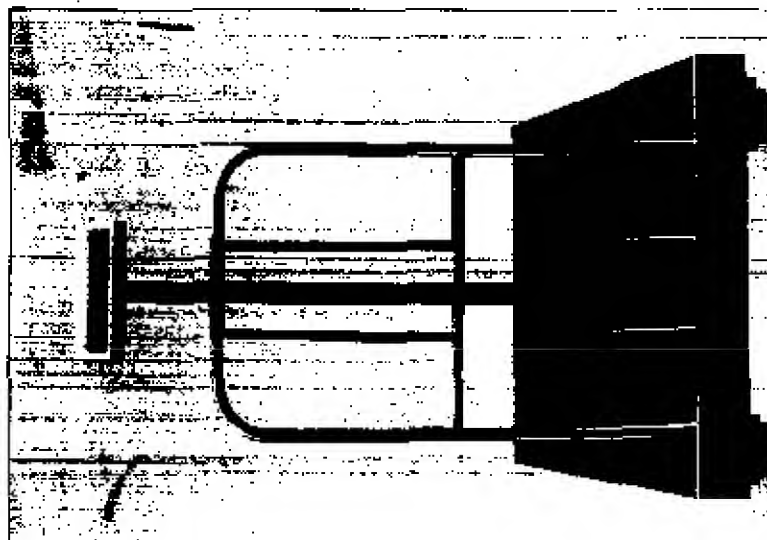
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

फा.आ. 1535.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह संपादन हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स इंडस वेइंग सिस्टम प्रा.लि., #14, सैकंड स्ट्रीट, कुमारसामी नगर, सिविल एरोड्रोम पोस्ट, कोयम्बतूर-641014 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "आई डबल्यू एस पी" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम 'इंडुस' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/443 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का पार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 किलो ग्राम है और न्यूनतम क्षमता 4 कि.ग्राम है। सत्यापन मापमान अंतराल (ई) 200 ग्र. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और वही सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5ग्र. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^4 , 2×10^4 , या 5×10^4 , के हैं, जहां पर "के" धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[T0055(EP1) 15/03/2008 10:45 AM]

एडमि. नं. 31

[फा. सं. डब्ल्यू एम-21(192)/2007]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1535.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "IWSP" series of medium accuracy (accuracy class-III) and with brand name "INDUS" (herein referred to as the said model), manufactured by M/s. Indus Weighing Systems Pvt. Ltd., #14, 2nd Street, Kumarasamy Nagar, Civil Aerodrome Post, Coimbatore-641014 and which is assigned the approval mark IND/09/07/443;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 1000kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. The instrument has additional features like piece counting, meter conversion (for fabric and other material), kg. to litre conversion and price computing. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

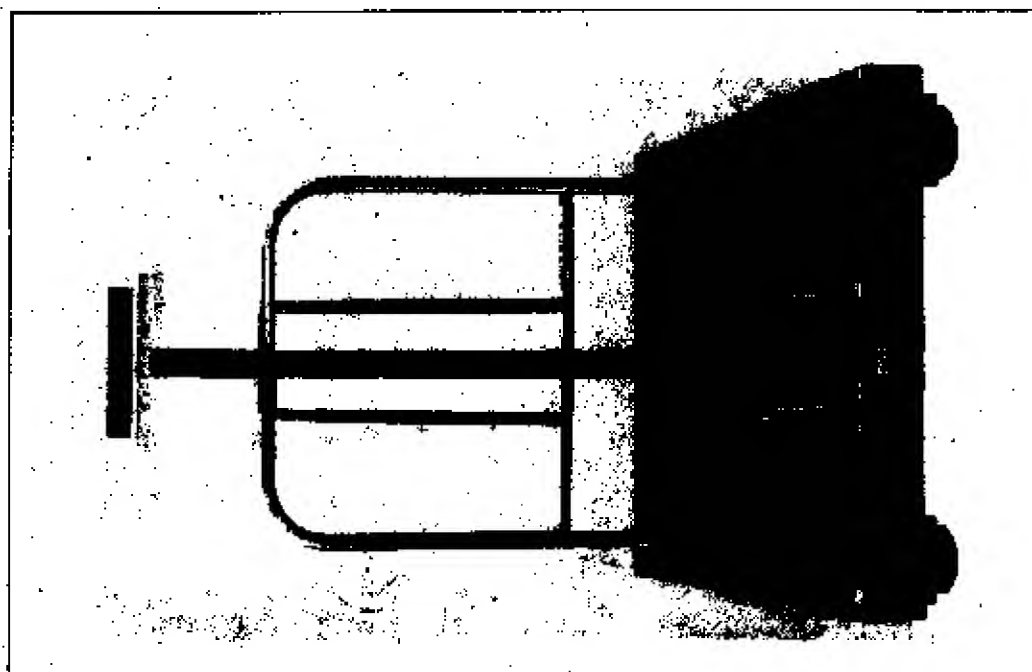


Fig. 2 Schematic diagram of sealing provision of the model

The sealing shall be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg. and upto 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (192)2007]

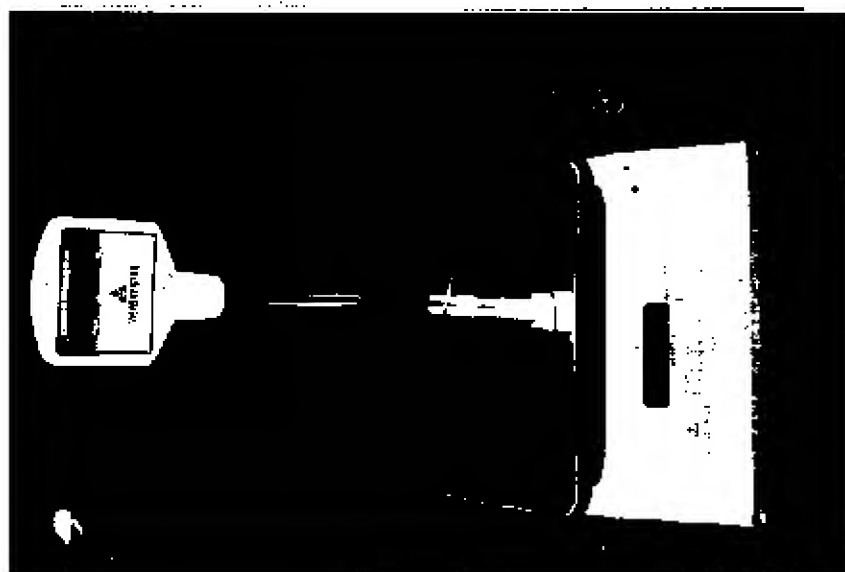
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

क्र.आ. 1536.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विक्ट्री सिस्टम्स, न्यू नं. 23, ओल्ड-नं. 39/1 शिवन कोइल स्ट्रीट, कोयंबेडू, चैन्नई-600017, तमिलनाडू द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “वीएस-जेपी” शृंखला अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ‘विक्ट्री’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/510 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सीलिंग उपकरण के तल में और ऊपर के ढक्कन में बायीं और दायीं ओर छेद करके की जाती है और इन छेदों के आर-पार एक सील वायर निकाली जाती है। उपकरण के दोनों छोरों पर सीलिंग वायर पर एक चपटी लीड सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का एक विशिष्ट सीमेण्टिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के ‘ई’ मान के लिए 100 से 50,000 तक की रेंज में और 100 मि.ग्रा. अथवा उससे अधिक के ‘ई’ मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-2} , 2×10^{-2} , या 5×10^{-2} , के हैं, जहां पर ‘के’ घनात्मक, या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(249)/2007]

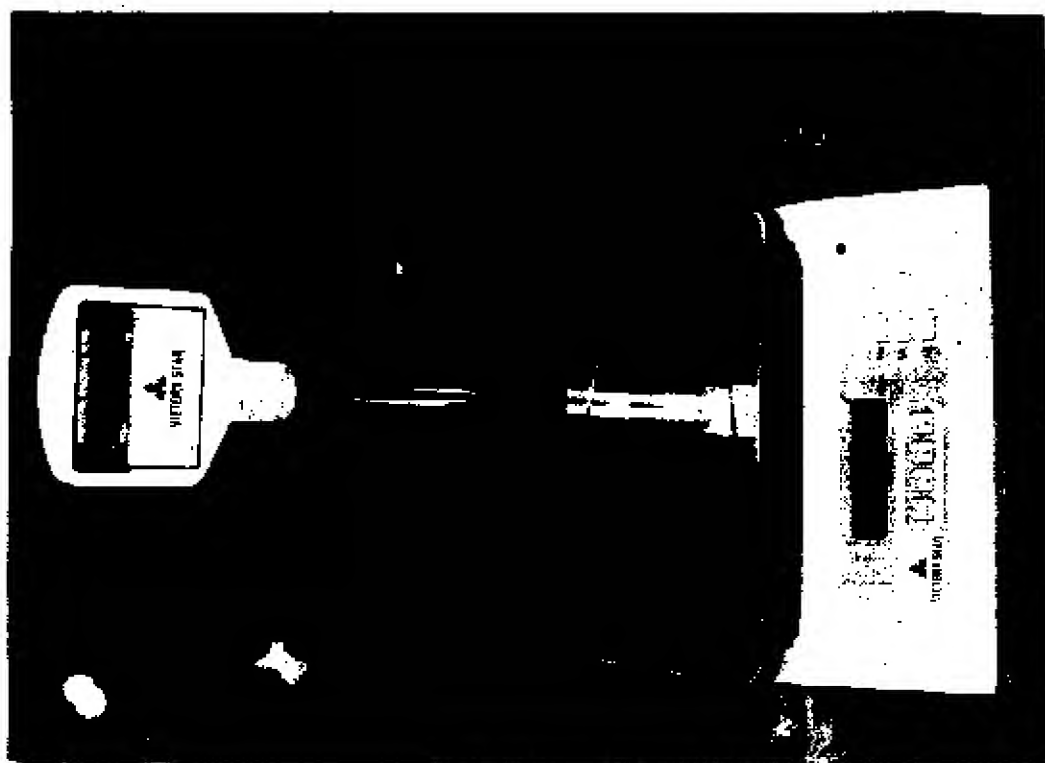
आर. माधुरवृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1536.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "VS-JP" series of high accuracy (accuracy class-II) and with brand name "Victory" (herein referred to as the said model), manufactured by M/s. Victory Systems, New No.23, Old No.39/1 Sivan Koil Street, Koyambodu, Chennai-600 107, Tamil Nadu and which is assigned the approval mark IND/09/07/510;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode display (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Schematic arrangement of sealing arrangement

The sealing is done by making a hole at the bottom plate and the upper cover of the weighing instrument and fasten a leaded wire for receiving a verification seal. A typical schematic diagram of the sealing arrangement of the model has been given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (249)/2007]

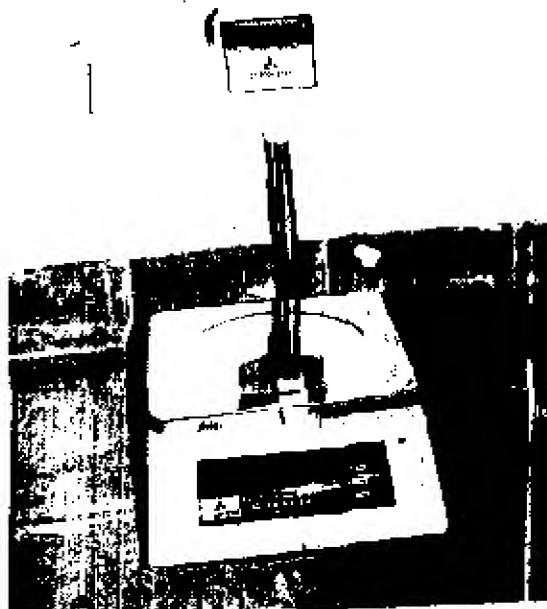
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1537.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अद्विधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स विक्ट्री सिस्टम्स, न्यू नं. 23, ओल्ड नं. 39/1 शिवन कोहल स्ट्रीट, कोयंबेडू, चैन्नई-600017 तमिलनाडू द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "वीएस-टीबी" शृंखला अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ग्राण्ड का नाम 'विक्ट्री' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/511 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 किलो ग्राम है और न्यूनतम क्षमता 100 ग्राम है। स्थापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सीलिंग उपकरण के तल में और ऊपर के ढक्कन में बायीं और दायीं ओर छेद करके की जाती है और इन छेदों के आर-पार एक सील वायर निकाली जाती है। उपकरण के दोनों छोरों पर सीलिंग वायर पर एक चपटी लीड सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का एक विशिष्ट सीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2ग्रा. तक के 'ई' मान के लिए 100 से 10,000 तक की रेंज में और 5 ग्रा. अथवा उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{-6} , 2×10^{-6} , या 5×10^{-6} , के हैं, जहां पर 'के' घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(249)/2007]

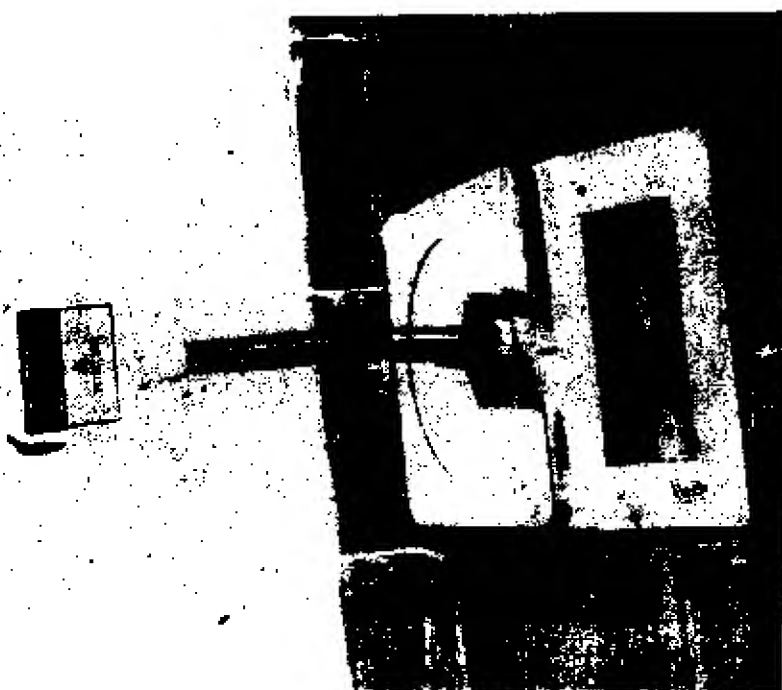
आर. माधुराधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1537.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "VS-TB" series of medium accuracy (accuracy class-III) and with brand name "VICTORY" (herein referred to as the said model), manufactured by M/s. Victory Systems, New No.23 Old No.39/1 Sivan Koil Street, Koyambedu, Chennai-600 107, Tamil Nadu and which is assigned the approval mark IND/09/07/511;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Schematic arrangement of sealing arrangement

The sealing is done by making a hole at the bottom plate and the upper cover of the weighing instrument and fasten a leaded wire for receiving a verification seal. A typical schematic diagram of sealing arrangement of the model has been given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (249)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1538.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स विक्ट्री सिस्टम, न्यू नं.23, ओल्ड नं. 39/1 शिवन कोइल स्ट्रीट, कोयेमबेडु, चैन्नई-600017, तामिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “वीएस-पीआई” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ‘विक्ट्री’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/512 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 किलो ग्राम है और न्यूनतम क्षमता 4किलो ग्राम है। सत्यापन मापमान अंतराल (ई) 200ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सीलिंग उपकरण के तल में और ऊपर के ढक्कन में बायीं और दायीं ओर छेद करके की जाती है और इन छेदों के आर-पार एक सील वायर निकाली जाती। उपकरण के दोनों छोरों पर सीलिंग वायर पर एक चपटी लीड सील लगाई जाती है। माडल के सीलिंग प्रावधान का एक विशिष्ट स्कीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मैन, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5ग्राम अथवा उसके अधिक के ‘ई’ मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से 50000 कि.ग्राम तक कि अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^4 , 2×10^4 , अथवा 5×10^4 , के हैं, जहाँ पर ‘के’ धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(249)/2007]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1538.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "VS-PI" series of medium accuracy (accuracy class-III) and with brand name "VICTORY" (herein referred to as the said model), manufactured by M/s. Victory Systems, New No.23, Old No.39/1 Siran Koil Street, Koyambedu, Chennai-600 107, Tamilnadu and which is assigned the approval mark IND/09/07/512;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Schematic arrangement of sealing arrangement

The sealing is done by making a hole at the bottom plate and the upper cover of the indicator from the left side and fasten a leaded wire for receiving a verification seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where K is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (249)/2007]

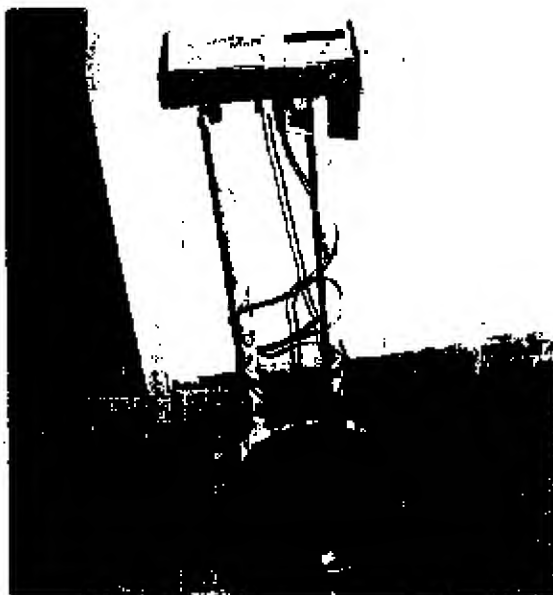
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

क्र.आ. 1539.—केन्द्रीय सरकार का, विहित अधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स विकट्री सिस्टम्स, न्यू नं.23, ओल्ड नं. 39/1 शिवन कोइल स्ट्रीट, कोयेमबेडु, चैन्नई 600017 तमिलनाडू द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “वीएस-पीडब्ल्यू” शृंखला अंकक सूचन सहित अस्वचालित तोलन उपकरण (सिक्का परिचालित-व्यक्ति वेइंग मशीन) के मॉडल का, जिसके ब्राण्ड का नाम ‘विकट्री’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 100/07/513 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (सिक्का परिचालित-व्यक्ति वेइंग मशीन) है। इसकी अधिकतम क्षमता 150 किलो ग्राम है और न्यूनतम क्षमता 2 किलो ग्राम है। सत्यापन मापमान अंतराल (ई) 100ग्र. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सीलिंग उपकरण के तल में और ऊपर के इस्केन में बायीं और दायीं ओर छेद करके की जाती है और इन छेदों के आर-पार एक सील वायर निकाली जाती है। उपकरण के दोनों छेदों पर सीलिंग वायर पर एक चपटी लीड सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का एक विशिष्ट सीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5ग्र. अथवा उसके अधिक के ‘ई’ मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 किलोग्राम से 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^4 , 2×10^4 , अथवा 5×10^4 , के हैं, जहां पर ‘के’ धनःक्रमक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(249)/2007]

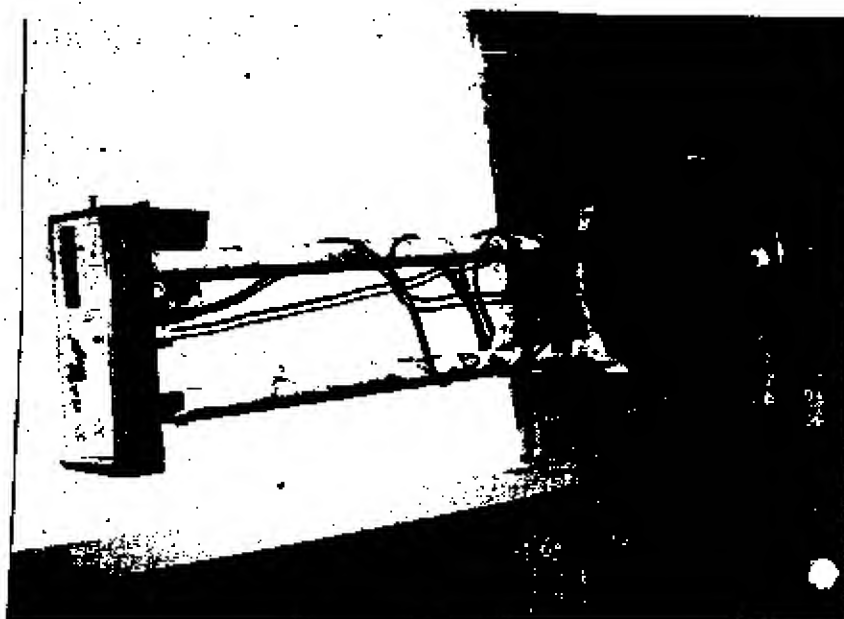
आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1539.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Coin Operated-Person Weighing Machine) with digital indication of "VS-PW" series of medium accuracy (accuracy class-III) and with brand name "VICTORY" (herein referred to as the said model), manufactured by M/s. Victory Systems, New No.23 Old No.39/1 Sivan Koil Street, Koyambedu, Chennai-600 107, Tamil Nadu and which is assigned the approval mark IND/09/07/513;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Coin Operated-Person Weighing Machine) with a maximum capacity of 150kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Schematic arrangement of sealing arrangement

The sealing is done by making a hole at the bottom plate and the upper cover of the indicator from the left side and fasten a leaded wire for receiving a verification seal. A typical schematic diagram of the sealing arrangement of the model given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg. to 200kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where K is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (249)/2007]

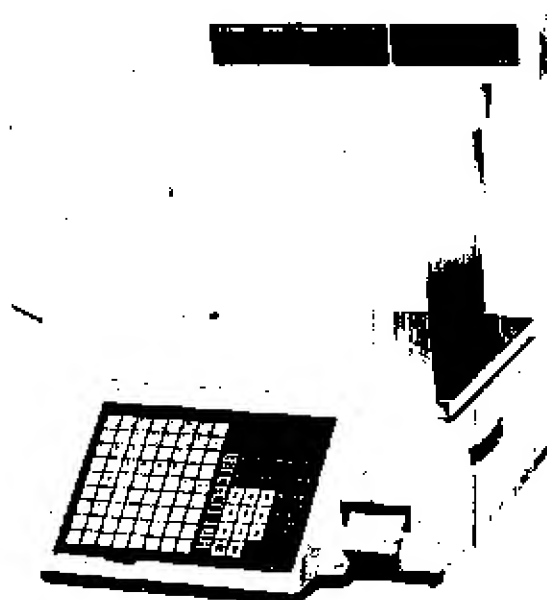
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

क्रा.आ. 1540.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स कास वेइंग इंडिया प्रा. लि., नं. 568, उद्योग विहार, फेज-V, गुडगांव, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "सी एल-5000" शृंखला अंकक सूचन सहित तोलन उपकरण (टेबलटाप प्रकार) के माडल का, जिसके ब्रांड का नाम "सी ए एस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/10 संप्रदानित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित असंतुलित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 40ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



सीलिंग बोल्ड से तार निकालकर, तार और लीड के माध्यम से इंडिकेटर के पिछली तरफ, स्टाम्पिंग प्लेट के पास सीलिंग पाईट स्थित है। माडल के सीलिंग ग्रावधान का एक विशिष्ट सीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(300)/2007]

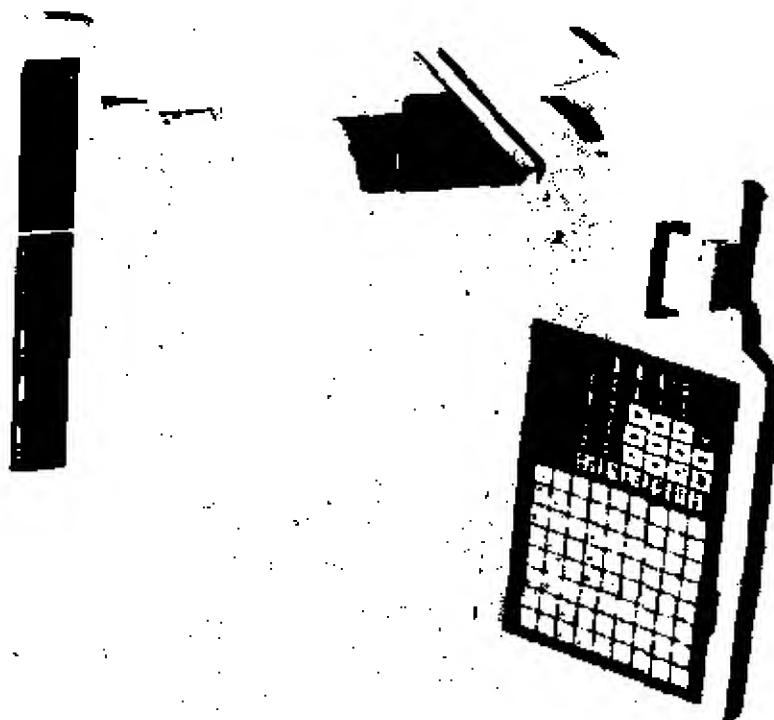
आर. माथुरसूधन, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1540.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "CL-5000" and with brand name "CAS" (hereinafter referred to as the said model), manufactured by M/s. Cas Weighing India Pvt. Ltd., No. 168, Udyog Vihar, Phase-V, Gurgaon, Haryana and which is assigned the approval mark IND/09/07/10;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.



Sealing point location is near stamping place at upper case and sealing through wire and lead, passing wire through sealing bolt and upper case of the indicator. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg and with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^4 , 2×10^4 or 5×10^4 , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials, with which, the said approved model has been manufactured.

[F.No. WM-21 (300)/2007]

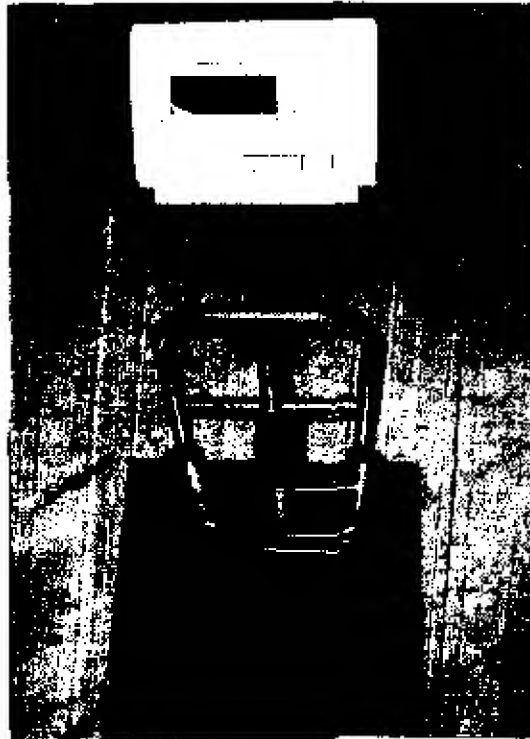
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1541.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स कास वेईंग इंडिया प्रा. लि., नं. 568, उद्योग विहार, फेज-V, गुडगांव, हरियाणा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "डी जेड" शृंखला अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "सी ए एस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/09 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



सीलिंग बोल्ट से तार निकालकर, तार और लौड के माध्यम से इंडिकेटर के पिछली तरफ, स्टाम्पिंग प्लेट के पास सीलिंग पाइंट स्थित है। माडल के सीलिंग प्रावधान का एक विशिष्ट स्कीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित और 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो घनात्मक या जघनात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(300)/2007]

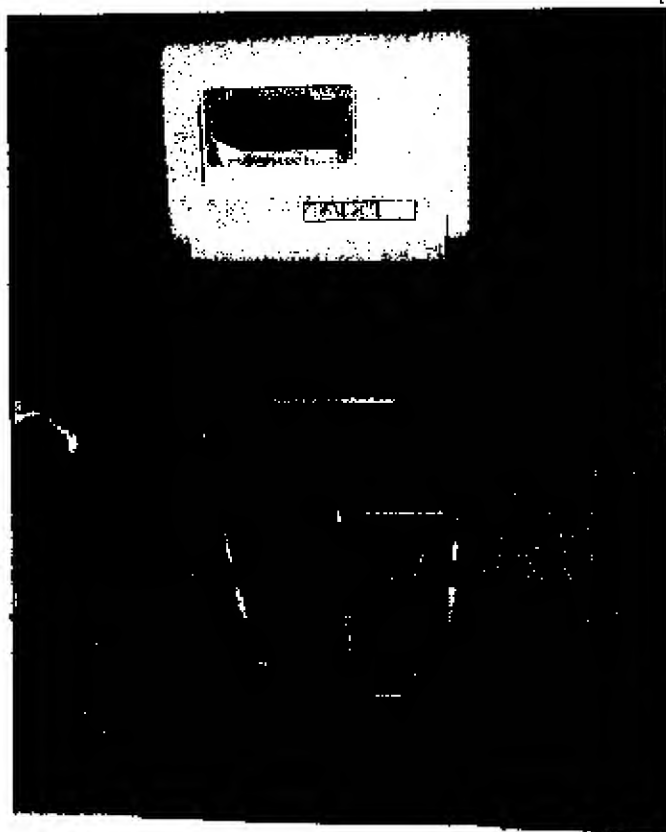
आर. माधुरसूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1541.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (Accuracy class-II) of series "DZ" and with brand name "CAS" (hereinafter referred to as the said model), manufactured by M/s. CAS Weighing India Pvt., No. 568, Udyog Vihar, Phase-V, Gurgaon, Haryana and which is assigned the approval mark IND/09/08/09;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300kg. and minimum capacity of 1kg. The verification scale interval (e) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.



Sealing point location is near stamping plate at back side of the indicator through wire and lead, passing wire through sealing bolt. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. and up to 5000kg. with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (300)/2007]

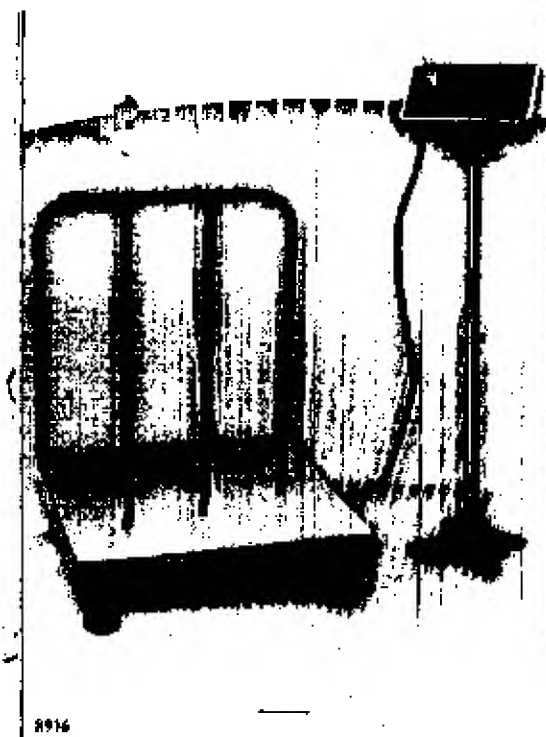
R. MATHURBOOTHAM, Director of Legal Metrology.

नई दिल्ली, 14 मार्च, 2008

कर.आ. 1542.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संपादना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स ओम इन्स्ट्रुमेंट्स, डी-6, देविकरूपा सोसायटी, महादेव नगर, टेकरा, गोपी बैंगला के सामने, वस्त्रालय रोड, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ओ एम पी-07" शृंखला के अंकक सूचक सहित स्वसूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ओमैक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/528 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक धिक्कृत गेज प्रकार का भार सेल आधारित तोलन अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। इसका सत्यापन मापमान अंतराल 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



सीलिंग तुला के इंडिकेटर के तल और ऊपर के ढक्कन में बने छेद के आर-पार एक वायर निकाल कर इसे लोड सील से सुरक्षित करके की जाती है। मॉडल के सीलिंग प्रावधान का एक विशिष्ट सीमेण्टिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(282)/2007]

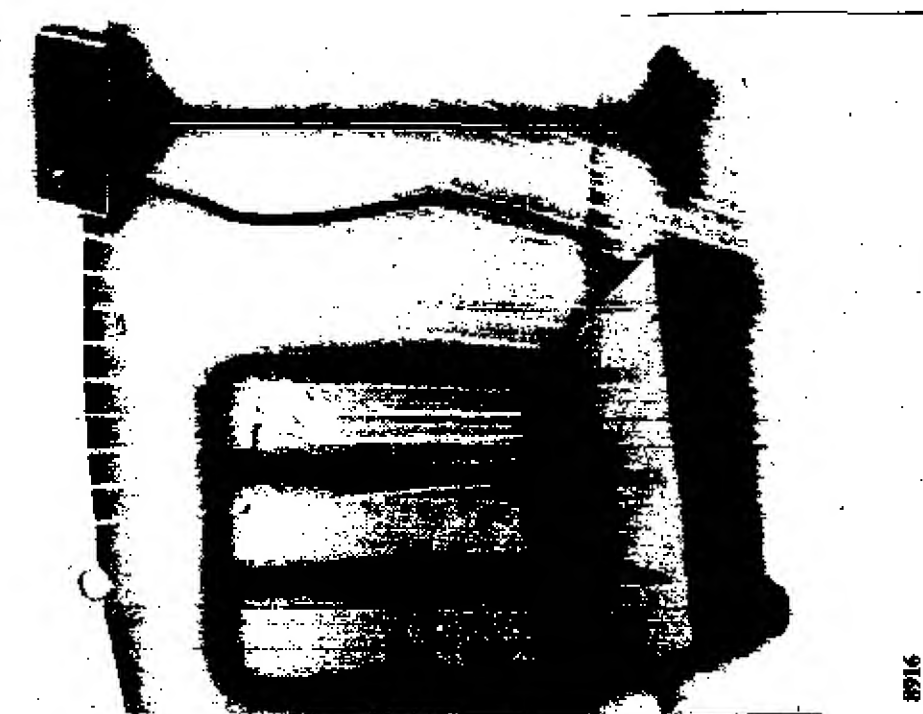
आर. माधुराध्वप, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1542.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "OMP-7" series of medium accuracy (accuracy class-III) and with brand name "OMEX" (herein referred to as the said model), manufactured by M/s. Om Instruments, D-6, Devikrupa Society, Mahdev Nagar, Tekra, Opp. Gopi Bunglows, Vastral Road, Ahmedbad and which is assigned the approval mark IND/09/07/528;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts and 50Hertz alternative current power supply.



The sealing is done through the hole made in the bottom plate and top cover of the indicator of the scale and sealing wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (282)/2007]

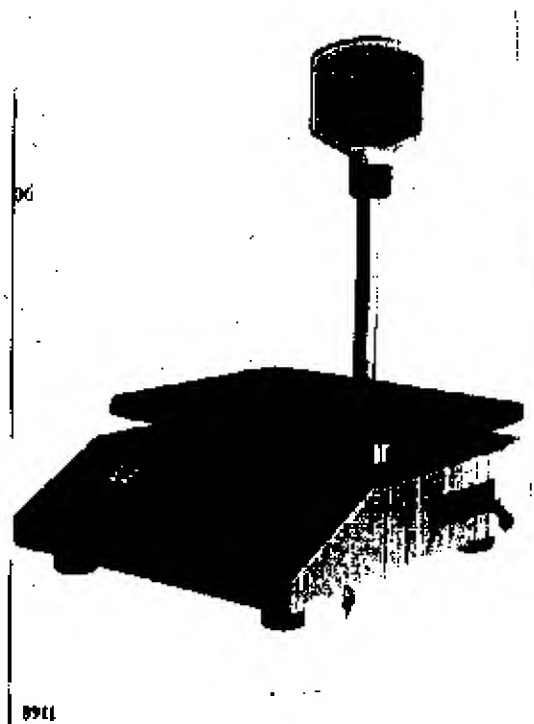
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1543.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ओम इन्स्ट्रुमेंट्स, डी-6, देविकरुपा सोसायटी, महादेव नगर, टेकरा, गोपी बैंगला के सामने, वस्त्रालय रोड, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ओ एम टी-11" शृंखला के अंकक सूचक सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ओमैक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/527 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का थार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। इसका सत्यापन मापमान अंतराल 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



सीलिंग तुला के इंडिकेटर के तल और ऊपर के ढक्कन में बने छेद के आर-पार एक चापर निकाल कर इसे लीड सील से सुरक्षित करके की जाती है। मॉडल के सीलिंग प्रावधान का एक विशिष्ट सीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी शिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^2 , 2×10^2 , 5×10^2 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(282)/2007]

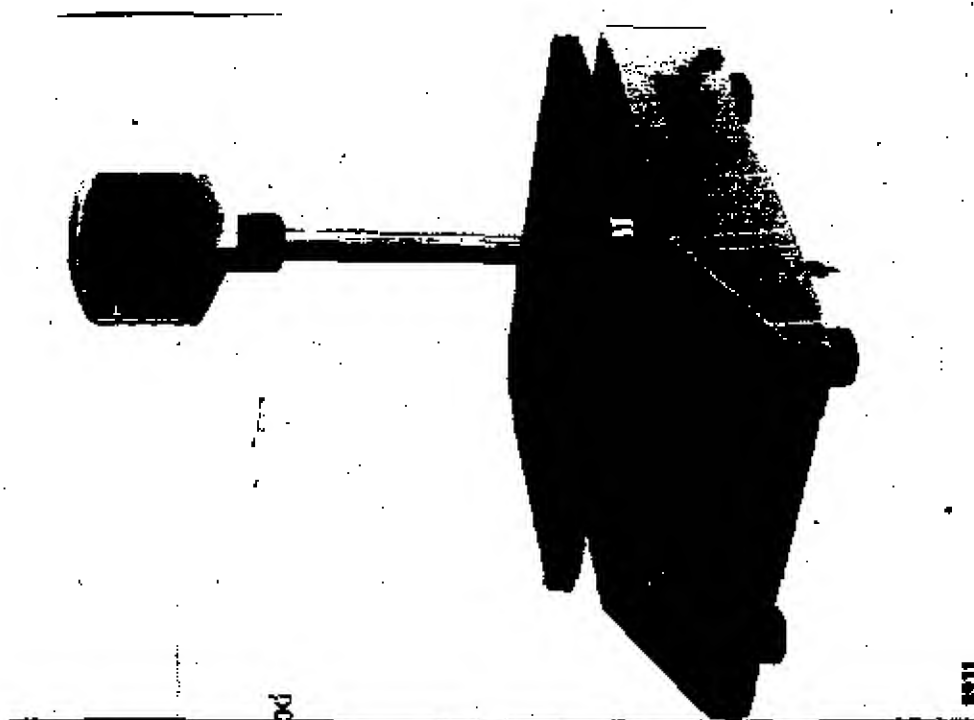
आर माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1543.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "OMT-11" series of medium accuracy (Accuracy class-III) and with brand name "OMEX" (herein referred to as the said model), manufactured by M/s. Om Instruments, D-6, Devakrupa Society, Mahadev Nagar, Tekra, Opp. Gopi Bungalows, Vastral Road, Ahmedabad and which is assigned the approval mark INM/09/07/527;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts and 50Hertz alternative current power supply.



The sealing is done through the hole made in the bottom plate and top cover and sealing wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (282)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1544.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अंतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स टॉरेट इंस्ट्रूमेंट्स, 93, नील दिनामेंट, कठवाड़ा रोड, नवीं नरोदा, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टी आई टी-आई" शृंखला के अंकक सूचक सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टोरेट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/02 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सील करने के लिए इसमें दो छेद एक तल और शीर्ष कवर पर किए जायेंगे और इन छेदों में सील करने के तार डाले जायेंगे। सील को संरक्षित करने के लिए एक चौकोर लोड सील तारसील से की जाएगी। मॉडल के सीलिंग प्रावधान का एक विशिष्ट सीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो घनतात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(214)/2007]

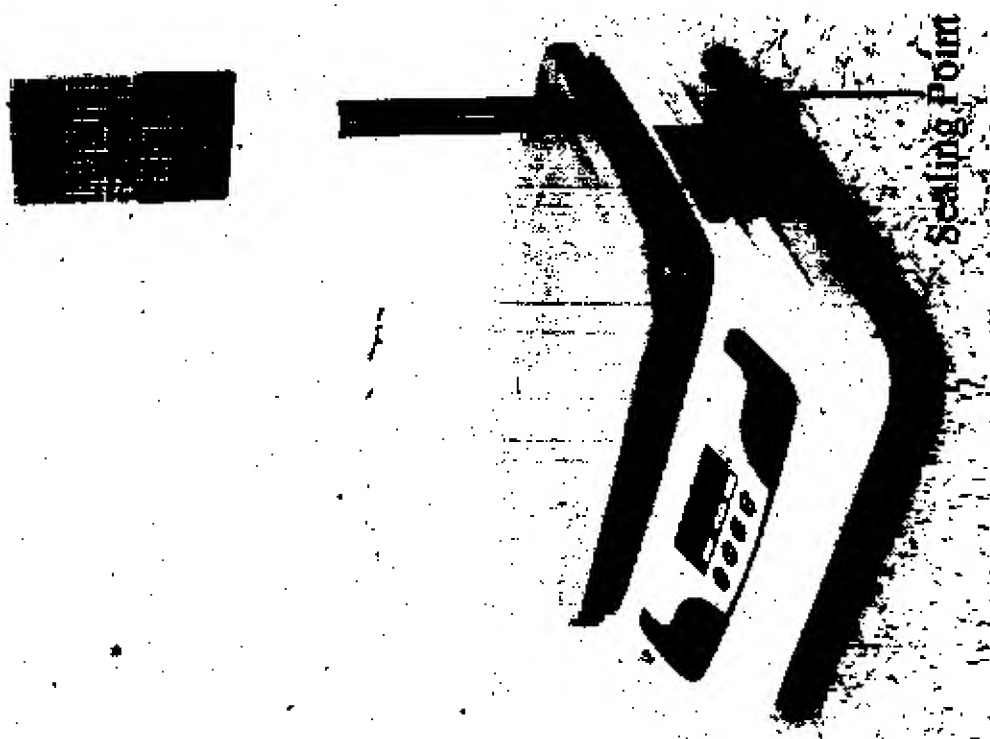
आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1544.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "TTT-1" and with brand name "TORRANT" (hereinafter referred to as the said model), manufactured by M/s. Torrant Instruments, 93, NIL Tenament, Kathawada Road, Nava Naroda, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/08/02;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.



For sealing two holes are drilled at the bottom and top cover of the model and a seal wire is passed through these holes. A square lead seal is poured through seal wire to protect the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (2)4/2007]

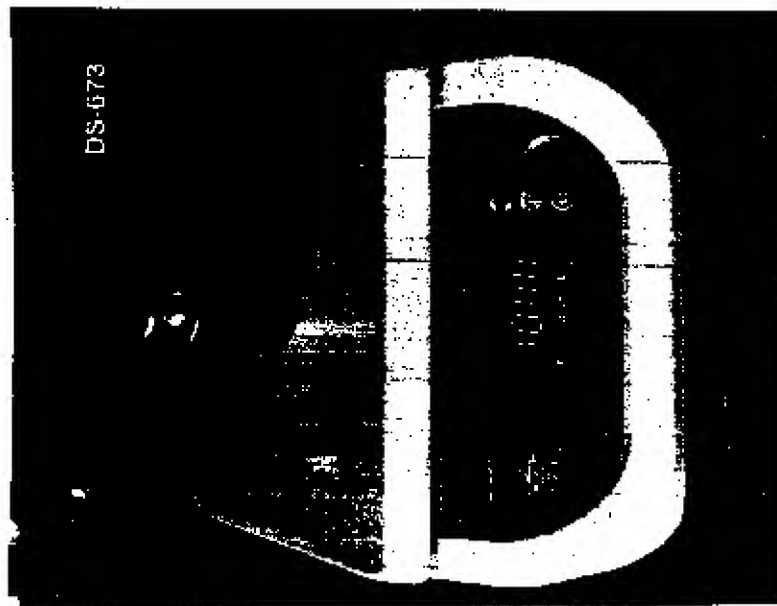
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1545.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एस्से टेराउका लि., नं. 377/22, 6ठां क्रॉस, विल्सन गार्डन, बंगलौर-560 027 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-[II]) वाले "डीएस-673" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम डीजी " है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 109/08/26 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 15 कि.ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्केल के तल में चार छिद्र किए गए हैं। इन छिद्रों में से एक में स्टील प्लेट लगाई गई है जिसे चोर स्क्रू के साथ फिक्स किया गया है तथा इस छिद्र तथा स्क्रू में से सत्यापन स्टाम्प एवं सील को प्राप्त करने के लिए लीड वायर को सख्ती से बांधा गया है। सील हटाए बिना उपकरण नहीं खुल सकता है। मॉडल के सीलिंग प्रावधान का स्क्रीमवार छायाग्राम ऊपर दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(280)/2007]

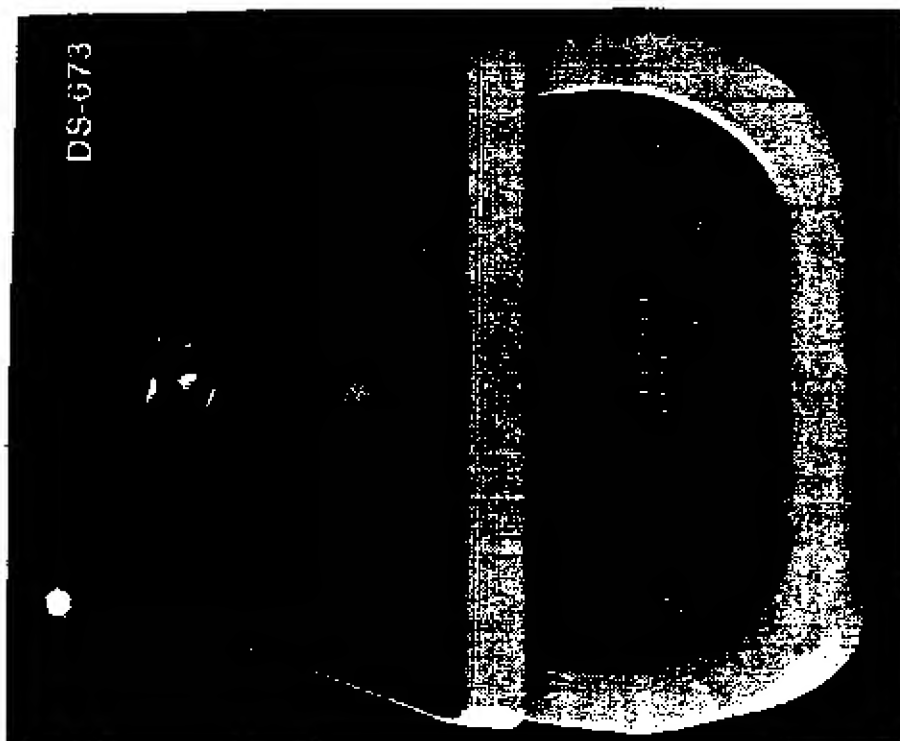
आर माधुरबृथप, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1545.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "DS-673" series of medium accuracy (accuracy class-III) and with brand name "DIGI" (herein referred to as the said model), manufactured by M/s. Essae-Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560 027 and which is assigned the approval mark IND/09/07/26;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts and 50Hertz alternative current power supply.



At the bottom of the scale, four mounting holes are provided. A steel plate is provided to one of these holes, which is fixed with a bored screw and a leaded wire is fastened through this hole and the screw for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (280)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 18 जून, 2008

क्र.आ. 1546.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम सं.	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	IS 1956 (Part 4): 1975 लौह एवं इस्पात की शब्दावली भाग 4-इस्पात की चद्दर एवं पत्ती (पहला पुनरीक्षण)	संशोधन संख्या 4 जून, 2008	30 जून, 2008

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, पुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

तिथि : 18-6-2008

[संदर्भ : एमटीडी 4/टी-9]

डॉ. (श्रीमति) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 18th June, 2008

S.O. 1546.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard (s) amendment (s)	No. & year of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 1956 (Part 4): 1975 Glossary of terms relating to iron and steel Part 4 Steel sheet and strip (first revision)	Amendment No. 4 June, 2008	30 June, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Dated : 18-6-2008

[Ref : MTD 4/T-9]

DR. (MRS.) SNEH BHATLA, Scientist 'F' & Head (Met Engg.)

नई दिल्ली, 20 जून, 2008

क्र.आ. 1547.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
I.	आई एस 11370:2008 विभिन्न प्रकार के प्रलेखों के बिवलियोग्राफी विवरण के कम्प्यूटर आधारित बिवलियोग्राफी द्वारा डाटा बेस के डाटा तत्व और रिकार्ड फॉर्मेट की मार्गदर्शिका (प्रथम पुनरीक्षण)	आई एस 11370 : 1985	31 मई, 2008

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जबलपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

तिथि : 20-6-2008

[संदर्भ : एम एस डी/बी-8 अधि.]

पी. भटनागर, वैज्ञानिक 'ई' एवं प्रमुख (प्रबन्ध एवं तंत्र)

New Delhi, the 20th June, 2008

S.O. 1547.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Establishment	No. & Year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
I.	IS 11370:2008 Guide for data elements and record format for computer based bibliographical data bases for bibliographic description of different kinds of documents (first revision)	IS 11370 : 1985	31 May, 2008

Copy of above Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and its Regional Offices at New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

Dated : 20-06-2008

[Ref: MSD/G-8 Notification]

P. BHATNAGAR, Scientist 'E' & Head (Met Engg.)

नई दिल्ली, 24 जून, 2008

का.अ. 1548.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिरिक्तिक भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15764 : 2008 वस्त्रादि-कपड़े के फर्श आवरणों का ज्वलन व्यवहार ज्ञात करना	नहीं	मई, 2008

अब यह भारतीय मानक बिक्री के लिये उपलब्ध होगा ।

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

तिथि : 24-06-2008

[संदर्भ : टीएक्सडी/जी-25]

एम. एस. वर्मा, निदेशक एवं प्रमुख (टीएक्सडी)

New Delhi, the 24th June, 2008

S.O. 1548.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed has been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Establishment	No. & year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15764 : 2008 Textiles—Determination of Burning Behaviour of Textile Floor Coverings	Nil	May, 2008

Henceforth, this standard will be available for sale.

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Office : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Dated : 24-06-2008

[Ref: TXD/G-25]

M. S. VERMA, Director & Head (Textiles)

नई दिल्ली, 24 जून, 2008

क्र.आ. 1549.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिरिक्तिक भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15767 : 2008 अल्कलिन अथवा अन्य अम्ल रहित इलेक्ट्रोलाइट वाले द्वितीयक सैल-आंशिक गैस पुनर्संयोजन सहित निकल कैडमियम प्रिज्मीय द्वितीयक एकल सैल	—	30 अप्रैल, 2008

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलूर, बोपाल, पुणे, कोयंबूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

तिथि : 24-06-2008

[संदर्भ : ईटी-11/टी-68]

पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 24th June, 2008

S.O. 1549.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard	No. & year of the Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15767 : 2008 Secondary cells and batteries containing alkaline or other non-acid electrolytes—nickel-cadmium prismatic secondary single cells with partial gas recombination	—	30 April, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Office: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Dated: 24-06-2008

[Ref: ET-11/T-68]

P. K. MUKHERJEE, Sc. 'F' & Head (Electro Technical)

नई दिल्ली, 24 जून, 2008

क्र.आ. 1550.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 13/आईसी 62271-203 : 2003 उच्च वोल्टता के स्विचगियर और नियंत्रणगियर: भाग 203 52 किलोवाट से अधिक की रेटिंग वोल्टेज के लिए गैस विद्युतरोधित वायु-संलग्न स्विचगियर	—	अप्रैल 2008

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

तिथि : 24-06-2008

[संदर्भ : ईटी 08/टी-37]

पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 24th June, 2008

S.O. 1550.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl.No.	No. & Year of the Indian Standard	No. & year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 13/IEC 62271-203 : 2003 High-voltage switchgear and controlgear : Part 203 Gas-insulated metal-enclosed switchgear for rated voltages above 52 kV	—	April, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Office: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Dated : 24-06-2008

[Ref: ET 08/T-37]

P. K. MUKHERJEE, Sc. 'F' & Head (Electro Technical)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 28 मई, 2008

क्र.आ. 1551.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मे. बी. सी. सी. एल. के प्रबंधकों के संबंध निरोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 9/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-5-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/261/98-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 28th May, 2008

S.O. 1551.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/99) of the Central Government Industrial Tribunal/Labour Court (No. 1), Dhanbad, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. B. C. C. L. and their workman, which was received by the Central Government on 28-5-2008.

[F. No. L-20012/261/98-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD**

In the matter of a reference under section 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 9 of 1999

Parties :- Employers in relation to the management of Barora Area, IM/S of M/s. BCCL

And

Their workman

Present : Shri Hari Mangal Singh, Presiding Officer

Appearances :-

For the Management : None

For the Union : None

State :- Jharkhand Industry :- Coal

Dated the 29th April, 2008

AWARD

By Order No. L-20012/261/98-IR(C-1) dated 28-1-1999 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

*Whether the action of the management of at record the date of Birth of Sri Ram Chandra Munda as 5-7-42 on the Imaginary basis is and not to send him to the Apex Medical Board is justified?"

After having received the Order No. L-20012/261/1998-IR (C-1) dt. 28-1-1999 the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 9 of 1999 was registered on 8-2-1999 but till 5-3-2008 no written statement or claim was filed. Ultimately two notices were issued to the sponsoring Union for filing of written statement by Speed Post/registered Post but till 29-4-2008 no one appears nor any steps have been taken by them.

In view of such circumstance it seems that the workman or the Union is not interested to contest their case further. And as such, it is ordered :—

ORDER

That let a "NO DISPUTE" AWARD be and the same is passed. Send the copies of the Award to the Govt. of India, Ministry of Labour & Employment, New Delhi for information and needful. Reference is accordingly disposed of.

H. M. SINGH, Presiding Officer.

नई दिल्ली, 28 मई, 2008

क्र.आ. 1552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मे. बी. सी. सी. एल. के प्रबंधकों के संबंध निरोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 186/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-5-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/146/94-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 28th May, 2008.

S.O. 1552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 186/94) of the Central Government Industrial Tribunal/Labour Court (No. 1), Dhanbad, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s B. C. C. L. and their workman, which was received by the Central Government on 28-5-2008.

[F. No. L-20012/146/94-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD**

In the matter of a reference under section 10(1) (d) (2A) of the Industrial Disputes Act, 1947

Reference No. 186 of 1994

Parties :- Employers in relation to the management of Lodna Area of M/s. BCCL,

And

Their workman

Present : Shri Hari Mangal Singh, Presiding Officer

Appearances :—

For the Management : None

For the Union : None

State : Jharkhand **Industry :** Coal

Dated 29th April, 2008

AWARD

By Order No. L-20012/146/94-IR(C-I) dated 27-7-1994 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

“Whether the action of the management of North Tisra Colliery in dismissing Shri Bhudan Bhuian, Minor /Loder is justified? If not, to what relief the concern workman is entitled?”

After having received the Order No. L-20012/146/94-IR(C-I) dt. 27-7-1994 the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 186 of 1994 was registered on 5-8-1994 and accordingly notice was issued to the parties. Thereafter on 16-12-1996 written statement was filed by the sponsoring Union after serving a copy of the same to the management. On 14-3-1997 written statement cum-Rejoinder was also filed on behalf of the management after serving a copy to the representative of the sponsoring Union and ultimately a case was fixed for filing of Rejoinder by the workman and document by the parties on 2-5-97, 26-6-97 & 4-8-97.

Lastly the case was fixed on 18-3-2008 for filing of Rejoinder by the workman and document by both sides and notices was issued to the parties by speed post fixing the date on 29-4-2008 but no one appears nor any steps have been taken by them.

In view of such circumstance it seems that the workman or the Union is not interested to contest their case further. And as such, it is ordered :

ORDER

That let a “No Dispute” AWARD be and the same is passed. Send the copies of the Award to the Govt. of India, Ministry of Labour & Employment, New Delhi for information and needful. Reference is accordingly, disposed of.

H. M. SINGH, Presiding Officer

नई दिल्ली, 28 मई, 2008

का.आ. 1553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 10/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-5-2008 को प्राप्त हुआ था।

[का. सं. एल-20012/267/98-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 28th May, 2008

S.O. 1553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/99) of the Central Government Industrial Tribunal/Labour Court (No. 1), Dhanbad, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. B. C. C. L. and their workman, which was received by the Central Government on 28-5-2008.

[F. No. L-20012/267/98-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of a reference under section 10(1) (d) (2A) of the Industrial Disputes Act, 1947

Reference No. 10 of 1999

Parties :- Employers in relation to the management of Basantimata Colliery of M/s. BCCL,

And

Their workman

Present :- Shri Hari Mangal Singh,
Presiding Officer

Appearances:—

For the Management : None

For the Union : None

State : Jharkhand **Industry :** Coal

Dated 29th April, 2008

AWARD

By Order No. L-20012/267/98-IR(C-I) dated 28-1-1999, the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

“Whether the action of the management of Basantimata Colliery of M/s. BCCL in dismissing the services of Sri Lakhi Ram Manjhi w.e.f. 21-9-96 is justified? If not what relief the workman is justified?”

After having received the Order No. L-20012/267/98-IR(C-I) dt. 28-1-1999 the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 10 of 1999 was registered on 8-2-1999 but till 5-3-2008 no written statement or claim was filed. Ultimately two notices was issued to the sponsoring Union for filing of written statement by speed post/Registered post but till 29-4-2008 no one appears nor any steps have been taken by them.

In view of such circumstance it seems that the workman or the Union is not interested to contest their case further. And as such, it is ordered :—

ORDER

That let a "NO DISPUTE" AWARD be and the same is passed. Send the copies of the Award to the Government of India, Ministry of Labour & Employment, New Delhi for information and needful. Reference is accordingly disposed off.

H. M. SINGH, Presiding Officer

नई दिल्ली, 28 मई, 2008

का.आ. 1554.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 101/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-5-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/326/93-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 28th May, 2008

S.O. 1554.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 101/97) of the Central Government Industrial Tribunal/Labour Court (No. I) Dhanbad, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s B. C. C. L. and their workman, which was received by the Central Government on 28-5-2008.

[F. No. L-20012/326/93-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. I), DHANBAD**

In the matter of a reference under Section 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 101 of 1997

Parties :- Employers in relation to the management of
Lodna Coke Plant, Lodna Area of M/S BCCL,

And

Their workman

Present :- Shri Hari Mangal Singh, Presiding Officer

Appearances:-

For the Management : Sri H. Nath, Advocate

For the Union : None

State : Jharkhand Industry: Coal

Dated, the 29th April, 2008

AWARD

By order No. L-20012/326/93-IR(C-1) dated 22-11-1995 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :-

SCHEDULE

"Whether the action of the management of Lodna Coke Plant, Lodna Area, in fixing the pay of workman, Sri Adya Nath Tiwari to Rs. 1405 and letter on reducing to 1375/- on the basis of Audit Report is justified? If not, to what relief is the concerned workmen entitled?"

After having received the Order No. L-20012/326/1993-IR (C-I) dt. 22-11-1995 the aforesaid reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 101 of 1997 was registered on 4-12-1995 but till 28-2-2008 no written statement or claim was filed. Ultimately two notices was issued to the sponsoring union for filing of written statement by speed post/Registered post but till 29-4-2008 no one appears nor any steps have been taken by them.

In view of such circumstance it seems that the workman or the Union is not interested to contest their case further. And as such, it is ordered :-

ORDER

That let a "NO DISPUTE" AWARD be and the same is passed. Send the copies of the Award to the Government of India, Ministry of Labour & Employment, New Delhi for information and needful. Reference is accordingly disposed of.

H. M. SINGH, Presiding Officer

नई दिल्ली, 28 मई, 2008

का.आ. 1555.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 206/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-5-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/341/96-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 28th May, 2008

S.O. 1555.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 206/97) of the Central Government Industrial Tribunal/Labour Court (No. I) Dhanbad, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s B. C. C. L. and their workmen, which was received by the Central Government on 28-5-2008.

[F. No. L-20012/341/96-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. I), DHANBAD**

In the matter of a reference under Section 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 206 of 1997

Parties :- Employers in relation to the management of
Moonidih Project of M/s. B.C.C.L.

AND

Their workman

Present :— Shri Hari Mangal Singh, Presiding Officer**Appearances :****For the Management :** Sri D. K. Verma, Advocate**For the Union :** None**State :** Jharkhand **Industry :** Coal

Dated 29th April, 2008

AWARD

By order No. L-20012/341/96-IR(C-1) dated 5/8-12-1997 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of Moonidh Project M/S B.C.C. L. in imposing the punishment of dismissal from the services w.e.f. 25-8-93 on Sri Suresh Kumar Rishideo, is legal and justified? If not, to what relief is the concerned workmen entitled?"

After having received the Order No. L-20012/341/1996-IR(C-1) dt. 5/8-12-1997 the aforesaid reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 206 of 1997 was registered on 15-12-1997 but till 4-3-2008 no written statement or claim was filed. Ultimately two notices was issued to the sponsoring Union for filing of written statement by Speed post/Registered post but till 29-4-2008 no one appears nor any steps have been taken by them.

In view of such circumstance it seems that the workman or the Union is not interested to contest their case further. And as such, it is ordered :—

ORDER

That let a "NO DISPUTE" AWARD be and the same is passed. Send the copies of the Award to the Government of India, Ministry of Labour & Employment, New Delhi for information and needful. Reference is accordingly disposed of.

H. M. SINGH, Presiding Officer

नई दिल्ली, 30 मई, 2008

का.अ. 1556.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14 की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबंध में जेजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, नासिक के पंचाट (संदर्भ संख्या 7/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/43/97-आईआर(बी-1)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 30th May, 2008

S.O. 1556.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/1998) of the Industrial Tribunal, Nashik as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 29-05-2008

[F.No. L-12012/43/1997-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI P. W. BHUYAR, PRESIDING OFFICER,
INDUSTRIAL COURT, MAHARASHTRA, AT NASHIK**

Reference (IT) No.7/98

The Regional Manager,
Bank of Baroda,
Nashik Region

...First Party

And

Bank of Baroda Employees'
Congress, The General Secretary
BOB Empls. Congress,
C/o.T.H.Naidu, A-10/40,
Pragati Housing Society, Nagpur

...Second Party

Coram:

Shri P.W.Bhuyar, Presiding Officer

Appearances:

Shri C. A. Deolalkar, Advocate for the first party.

Shri Deshpande, Advocate, second party.

AWARD

(Date: 14-03-2008)

1. The Government of India Ministry of Labour has made reference to this Court under Section 10(1)(d) read with Section 12(5) and 39 of Industrial Dispute Act, 1947, for adjudication of the dispute between the second party Bank of Baroda Employees' Congress, and first party Bank of Baroda regarding whether the action of the management of Bank of Baroda in stopping of two increments w.e.f. 01-07-1996 and withdrawal of special allowance w.e.f. 12-04-1996 of Shri A. A. Pote is legal and justified? If not, to what relief the workman is entitled?

2. After receipt of reference to this court statement of claim was filed by the second party workman vide Exh. U-3 and first party filed written statement vide Exh.C-3.

3. It is the contentions of second party workman as per Exh. U-3 that one Mr. A. A. Pote is working with the first party i.e. Bank of Baroda. He was illegally issued the charge sheet dated 02-12-1994 by the Regional Office of Nashik of the said Bank to which he replied but to no use. Mr.Pote did not commit any misconduct either as alleged in the charge sheet or otherwise also. However, the Bank with a view to punish him held the domestic enquiry. Said

domestic enquiry is not fair, proper and legal. It is not in accordance with the provisions of the principles of natural justice. The findings of the enquiry officer are not proper as the same are not based on the evidence in enquiry. Thereafter the bank issued the order of punishment to said Shri A. A. Pote by stooping 2 increments w.e.f. 01-07-1996 and withdrawal of special allowance w.e.f. 12-04-1996 of Shri A. A. Pote. The order of punishment is dated 30-03-1996. Thereafter the said Shri Pote filed the Appeal against the said order but no use.

4. Since the said Shri A. A. Pote is a member of the second party, on behalf of the second party, a demand notice was sent to the Labour Department of Government of India for directions to the first party to set aside the order of punishment issued to Shri. A. A. Pote. The concerned authority tried to settle the matter amicably, but to no use. Thereafter the proceedings were admitted into conciliation. The conciliation proceedings also failed. Thereafter, the Government of India, Ministry of Labour, New Delhi by the order dated 23-04-1998 referred the said matter before this Hon. Tribunal for adjudication as per the provisions of the Industrial Disputes Act, 1947 as the Central Govt. is of the opinion that an industrial dispute exists between the employer and employee and therefore, the Central Government sent the reference for adjudication to this Hon. Tribunal. It is submitted that the concerned workman Mr. A. A. Pote has not committed any misconduct either as alleged in the said charge sheet dated 02-12-1994 or otherwise also, therefore the whole action taken against him by the Bank is required to be set aside and it is required to be quashed forthwith. It is further submitted that, initially the enquiry was conducted by one Shri P. K. Sonar and thereafter the enquiry report is submitted by one Shri S. N. Nandurkar. It is nowhere stated or declared that the enquiry conducted by Shri Sonar is *denovo* or not and as such, the action taken against the workman Mr. Pote based on the enquiry report is required to be set aside. It is worth nothing that, unless the documents are proved in the enquiry, the same cannot be read as an evidence in the enquiry, because the domestic enquiry is quasi-judicial proceedings. However, in the enquiry which is held against the workman Mr. Pote, the documents were not at all proved by examining the concerned witnesses. Only filling of documents in the enquiry will not suffice the purpose for proving the same. Therefore the concerned witnesses have to be examined in the enquiry, however, the Bank has utterly failed to examine the concerned witnesses in the enquiry or the reasons best known to the Bank and therefore, it is beyond doubt that, the workman is not given an opportunity to cross-examine the concerned witnesses in the enquiry and in spite of this the enquiry officer has blindly relied on the said documents which were not proved at all. On this ground alone, the whole proceedings of the enquiry are required to be set aside and therefore, based on the illegal and improper enquiry,

the punishment order issued to the concerned workman Mr. Pote is required to be quashed. The basic principles of natural justice were totally violated in the enquiry by not giving the proper opportunity of being heard to the concerned workman.

5. The concerned workman is issued the charge sheet dated 02-12-1994 in respect of LFC i.e. Leave Fare Concession. Though it is alleged in the said charge sheet that the workman Mr. Pote has suppressed the relevant information to the Bank, but the workman did not suppress any relevant information to the Bank. Though it is alleged in the said charge sheet that he has fraudulently claimed the LFC/encashment of leave by furnishing wrong LFC blocks to the bank at different dates, but the workman has not fraudulently claimed the LFC/encashment of leave by furnishing wrong LFC blocks to the bank at the different dates. The workman has also not attempted to defraud the bank as alleged in the said charge sheet. In view of the charge sheet, it appears that the Bank has decided to hold the enquiry against the workman by appointing Mr. P. K. Sonar, Sr. Manager at Regional Office, Nashik of the Bank. Since the said Shri Sonar, enquiry officer was the Manager of the Bank and the concerned workman was cashier, the workman was always under the pressure of the Manager. The enquiry is held in clear atmosphere. The enquiry officer acted prejudicial to the interest of the workman. He did not give proper opportunity of being heard to the workman in the enquiry. He recorded the proceedings as per his whims and fancies. The enquiry officer did not act as an impartial enquiry officer in the said enquiry. The enquiry officer was appointed only to find the workman guilty. The enquiry officer was working under the Disciplinary Authority and therefore, he had obeyed the orders of the disciplinary authority instead of acting as an impartial enquiry officer. The enquiry was completed within a period of 8 days i.e. from 07-03-1995 to 16-03-1995. The change of the enquiry officer is against the provisions of clause 19.14 of the Bipartite Settlements in force and even under the law. The arguments advanced on behalf of the workman were not at all considered by the enquiry officer or by the disciplinary authority also. The said act is therefore, with undue haste and taking misuse of the powers vested in the concerned authority. Mr. S.N. Nandurkar did not conduct any enquiry though he submitted the findings. There was no evidence against the concerned workman Mr. Pote in the enquiry to come to the conclusions that he has committed any misconduct as alleged.

6. The disciplinary authorship has not considered the clean and unblemished service record while punishing the workman Mr. Pote. The representation filed by the workman is not at all considered by the disciplinary authority. The said decision is *ex parte* and hence liable to be set aside.

7. Other employees who have actually committed misconducts, they have not been awarded any punishment and the workman Mr. Pote though not committed any misconduct, he is given punishment which itself illegal, bad in law and hence, it is liable to be set aside. Thus the act of the Bank is discriminatory and hence liable to be set aside forthwith and impugned order is required to be set aside. Even the concerned documents were also not provided with to the workman on which the enquiry officer relied. The enquiry is only a mere formality to punish the concerned workman. The findings of the enquiry officer are perverse and not based on the evidence in the enquiry. Therefore the punishment order dated 30-03-1996 is required to be set aside and as such, the increments of the workman & special allowance which are withheld, are required to be released by giving the difference from the due date. Therefore it is humbly prayed that the order of punishment dated 30-03-1996 issued to Shri A.A. Pote by the first party be quashed and set aside.

8. The 2nd party filed documents vide Exh. U-14. The documents are Bank of Baroda-Book of instruction Vol. 12 page No. 428, letter by Sr. Manager to Mr. Pote, dated 17-2-1995, Show cause notice to C.D'Souza, dated 05-10-1993, complaint against Mr. C.D'Souza for L.F.C. dated 16-08-1993.

9. The first party filed their written statement vide Exh. C-3. It is the contentions of the first party that the reference is not tenable in law as well as on facts and therefore it should be dismissed with cost. Second party Union has no locus standi in the matter and not competent to raise the present dispute, on this ground alone the reference needs to be rejected. The first party employer submits that Mr. Pote about whom this reference is made at the relevant time was working as Head-cashier.

10. It is submitted by the first party that it is denied that Mr. Pote did not commit any misconduct. The domestic enquiry held in this case was per the well settled principles of law and clause 19.14 of the relevant settlement applicable to the bank. It is denied that enquiry is not fair, proper and legal or the same was not in accordance with the provisions of principles of natural justice. It is denied that the findings of enquiry officer are not proper. It is submitted that the findings of enquiry officer are based on evidence in enquiry. It is submitted that the misconducts of Mr. Pote were of very serious nature and no grievance can be made of the punishment given to Mr. Pote and the Appellate Authority for the reasons given in the communication dated 11-06-1996 dismissed the appeal filed by Mr. Pote. Bank submits that initially the enquiry officer conducting the enquiry was Mr. P.K. Sonar, however, due to some administrative exigencies Mr. Nargundkar was entrusted the job of conducting the enquiry of Mr. Pote. The allegations made about the enquiry conducted by Mr. Nargundkar are devoid of any

substance as the enquiry conducted in Mr. Pote's matter was in full compliance of the principles of Natural justice and there is no circumstances to set aside the order. Mr. Nargundkar has acted as Enquiry Officer on the basis of the enquiry proceedings and written arguments submitted by both the parties. It is submitted that submissions made by the second party are against the well settled principles of law and the Bank has lead sufficient evidence in respect of misconducts committed by Mr. Pote and the allegations made in this para are totally sustainable in view of the full-fledge enquiry held in Mr. Pote's case and the inferences drawn about blind reliance on the documents in devoid of any substance as no fault can be found with the findings recorded by the enquiry officer in view and back ground of the facts of Mr. Pote's case and the enquiry officer report is based on the evidence on record as per the dictum of law in that behalf and there is not cause or case for setting aside the proceedings of enquiry and it is denied that the enquiry officer has blindly relied on the documents. It is denied that the enquiry was illegal or improper and there is no case for quashing the punishment order given to Mr. Pote. The submissions made by the second party cannot be looked into independently as the same is part of the enquiry proceedings and the claim made that the workman has not fraudulently claimed the L.F.C./encashment of leave etc. are totally false and the workman has clearly defrauded the bank and the charge sheet and findings of the enquiry findings which are base on legal evidence are being relied upon by the bank in that behalf. Second party made submissions that the workman was always under the pressure of Manager are totally false and the said allegations are made only with an intention to prejudice the mind of this Hon. Court. It is denied that the enquiry officer has acted prejudicial to the interest of the workman or that he did not give proper opportunity of being heard in the enquiry; it is denied that the enquiry officer recorded proceedings as per his whims and fancies. It is denied that there was no evidence against Mr. Pote as alleged. It is denied that the findings of the enquiry officer are perverse and not based on evidence in enquiry.

It is therefore, submits that since the action taken by it is legal, valid and proper the reference may please be rejected without granting relief to the second party.

11. First party filed documents vide Exh. C-5, documents are charge sheet, corrigendum to charge sheet, order appointing presenting officer, order appointing enquiry officer, proceedings of preliminary hearings, proceedings of regular hearings, documentary evidence of management, documentary evidence of defence, written arguments of presenting officer written arguments of defence, letter of enquiry officer to disciplinary authority, order appointing other enquiry officer, order intimating the enquiry report to the chargesheeted employee, enquiry report, representation of the chargesheeted employee, order granting time to the chargesheeted employee for

submitting his reply for enquiry report, notice of proposed punishment, representation of the chargesheeted employee in response to proposed punishment, order granting time to the chargesheeted employees for hearing on proposed punishment, proceeding of personal hearing, punishment order.

12. In this background of facts following issues were framed by my predecessor vide Exh. O-6 on 16-3-2000 to which I have recorded my findings as under.

ISSUES	FINDINGS
1. Whether second party union proves that domestic enquiry conducted by the respondent is not legal fair and proper?	No
2. Whether second party proves that findings of the enquiry officer are perverse?	No
3. Whether second party proves that punishment awarded is shockingly disproportionate?	No
4. Whether first party management Bank of Baroda proves that action of the management in stopping two increments w.e.f. 1-7-1996 and withdrawal of special allowance w.e.f. 12-4-1996 is legal and justified?	Yes
5. Whether second party workman is entitled to get any relief?	No
6. What award and relief?	As per final award.

REASONS

13. I have gone thorough entire record, perused documents and heard Ld. Advocate Shri S.M. Deshpande for second party and Shri C.A. Deolalkar Ld. Advocate for First party. Second party adduced oral evidence vide Exh. U-32 after the order of Hon. High Court dated 29-11-2007 in W.P.No.7099 of 2006. First party Bank of Baroda did not adduce oral evidence.

14. At the out set it is submitted that as fairness and legality of the enquiry and perversity of findings are decided by my predecessor Presiding Officer by part I award dated 07-07-2005 and that award has not been disturbed by Hon. High Court, by order dated 29-11-2005 in W.P.No.7099 of 2006 and all rights of the parties have been kept open by the Hon. High Court it is not now open for this court to examine all this things afresh. Therefore point for consideration before this Court would be whether punishment of stoppage of 2 increments and special allowance imposed by bank was harsh and disproportionate or not.

15. The Ld. Counsel Deshpande appearing for the second party argued that the 2nd party has not committed

any misconduct, till the First Party Bank has established and proved the charges of availing LFC twice in 4 years blocks i.e. 1991 to 1992 and imposed inappropriate, harsh and disproportionate punishment by stopping of 2 increments with commutative effect and special allowance as the 2nd party was the member of the rival union. The other employees i.e. Samose and D'Souza who availed LFC twice in the years being from different union were not proceeded with departmental enquiry on the contrary Shri D'souza was given promotion by the bank illegally. The 2nd party was deliberately implicated in false charge because of rivalry between the unions and therefore stoppage of 2 increments and special allowance is discriminatory and illegal. On the contrary Ld. Counsel Deolalkar appearing for the 1st party Bank has contended that the 1st party bank has not proceeded with disciplinary action against the 2nd party deliberately because of rivalry between the unions. The 1st Party bank had leniently awarded the punishment to the second party even the 2nd party was involved in grave and serious charge. The second party has made allegation against the 1st party bank which he failed to prove by cogent and concrete evidence before this Tribunal. The punishment given by the 1st party bank to the 2nd party was in the interest of discipline of the bank and First party bank has not committed any illegality in imposing the punishment and therefor the Hon. Tribunal should not interfere with punishment in the said reference.

16. The second party workman Shri A.A. Pote appears to working with 1st party Bank of Baroda as cashier and he was issued charge sheet dated 02-12-1994 by Regional Officer, Nashik, and he had filed reply contending that he had not committed any misconduct. There was domestic enquiry held against the 2nd party. The second party alleged that enquiry was not conducted by following the Principles of Natural Justice and order of punishment of stopping of 2 increments w.e.f. 01-07-1996 and withdrawal of special allowance w.e.f. 12-04-1996 was illegal. Second party alleged that he had not committed misconduct as alleged in charge sheet and whole action is required to be set aside. It was allegation against the 2nd party that he frequently availed FCR Leave by furnishing wrong LFC block to bank at different dates. Enquiry was not conducted impartially and enquiry was completed within 8 days i.e. from 07-03-1995 to 16-03-1995. The disciplinary authorities has not considered past clean record of service of the second party. Representation of the second party was not considered. Other employees who have actually committed misconduct they have not awarded any punishment and thus act of the bank is discriminatory. Enquiry was mere formality. The First party bank disputed the said contentions and alleged that misconduct against the second party was proved in the enquiry. The second party did not dispute the fairness and legality of the enquiry and the first party bank has after considering the

representation of the second party workman imposed the punishment of stopping of 2 increments and special allowance which is proper and legal and Hon. Court should not interfere with the same. The first party bank has not victimised the second party by imposing the punishment as second party was the Union Leader. The second party was involved in fraud of public money after realizing fraud is caught refunded amount of Rs. 892 out of 4892. He has not presented prescribed form required for LFC and without sanction of LFC availed LFC for the period from 03-06-1994 to 11-06-1994. He was not given the permission to travel by private taxi or jeep and therefore it is false that other persons belonging to different union were allowed to travel by jeep while availing the LFC. On the contrary Bank has shown leniency by awarding the punishment of stopping of 2 increments and special allowance to the second party.

17. The contentions of Ld. Counsel Shri Deshpande that 1 party Bank had discriminated in awarding punishment to second party workman by order dated 01-07-1996, therefore order dated 01-07-1996 be set aside does not appear to correct and cannot be accepted. Record shows that to substantiate the allegations of discrimination in awarding punishment to second party, second party shall have examined Shri Samose and Sahane. Therefore the allegation that Samose and Sahane has been granted private Taxi fare while availing LFC which was denied to second party is not correct. Second party failed to examine Shri D'Souza to prove the allegation that he had availed LFC twice in block of 4 years. The document dated 5-10-93 Exh. U-14/3 was disputed by bank as it did not bear seal of bank and signature of authorized officer of the bank. Second party did not produce any document to show that he was a member of INTUC Union and Shri Samose and Shri Sahane were members of Federation Union to whom bank favoured in availing Taxi fare for LFC. There is nothing on record to show that D'Souza was member of Federation union and he was given promotion illegally. If Shri Samose, Sahane and D'Souza being members of Federation union i.e. rival union of second party were favoured illegally in availing LFC facility and there was no disciplinary action of any nature against them and 11 party was deliberately picked for imposing punishment, the burden lies upon 11 party to prove the said fact by bringing appropriate and strong material on record, but 11 party failed in doing so. Therefore there is no legal force in the allegation of second party that there was discrimination in awarding punishment to the 11 party. 1st party alleged that letter dated 05-10-1996 was forged and fabricated and not bears seal and signature of authorized officer of the bank, therefore, allegation of the 11 party that bank proceeded departmentally against him because of being member of rival union and minority community cannot be considered. Statement of claim did not disclose anything about Shri Samose, Shri Sahane and Shri D'Souza and only bare allegation of victimization have been made which will have less authentic

value in law. 11 party appears to have developed his case in evidence for the first time which cannot be considered at all. The 11 party in his evidence has admitted all these facts. The allegation that past service record of the 11 party was not considered at the time of imposing punishment is not correct. The order dated 30-03-1996 refers about considering the past clean service record of the party and therefore, bank has taken lenient approach in awarding punishment of stopping of 2 increments and withdrawal of special allowance. In the interest of discipline of the bank 1st party bank has not committed any wrong in awarding the punishment of stopping of 2 increments and withdrawal of special allowance. Said punishment is not harsh and disproportionate. The 11 party has not been victimized by the Bank in any manner. There was no whisper about victimization in the statement of claim of the 11 party and only for the first time it has appeared in the evidence of 11 party which has less evidential value. The 11 party failed to show from record that there was rivalry between union and therefore, he was victimized and discriminated in awarding the punishment while other employees were scot free. In these circumstances, I think that the punishment of stoppage of 2 increments and withdrawal of special allowance is legal and proper and no interference is called for in this reference.

18. Ld. Counsel Shri Deolalkar has placed reliance from the decision of Hon. S. C. reported in 1976 (32) FLR page 72, in which Hon. S.C. laid down that "Industrial Disputes Act, 1947, Ss.33, 10—Application under section 33 for approval or permission—Ambit of jurisdiction of Tribunal—Findings of domestic enquiry—Interference by Tribunal—Well established as an ambit of section 33 laid down by Supreme Court stated."

Domestic enquiry—Victimization—Meaning of—Plea of victimization—Proof of. The principle laid down in this judgment by the Hon. Supreme Court support the contentions of the first party bank. Ld. Counsel Shri Deolalkar has also placed reliance from the decision of Hon. Bombay High Court reported in 2000 (85) FLR page No.609, in which Hon. Bombay High Court laid down that "Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971—Item 9 of Schedule IV—Workman—Not allowed to join duties—In order to teach them lesson for joining the petitioner Union—The Proprietor denied to accept them as their employees—No record/register produced by Proprietor—Industrial Court committed patent error in accepting the defence of proprietor and dismissing the complaint—Which call for interference—Complaint allowed—Workman directed to be reinstated and allowed to resume duties." The principle laid down in this judgment by the Hon. Supreme Court support the contentions of the first party bank. In the result following award is passed:

AWARD

1. Reference stands rejected.
2. Demand of quashing and setting aside the punishment of stopping of 2 increments and withdrawal of special allowance of second party workman not considered.

3. Award be submitted to the Central Government for publication.

4. There is no order as to costs.

Place: Nashik

Date: 14-03-2008

P. W. BHUYAR, Presiding Officer

नई दिल्ली, 2 जून, 2008

क्र.आ. 1557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 1329/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-5-2008 को प्राप्त हुआ था।

[फा.सं. एल-12012/87/2005-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 2nd June, 2008

S.O. 1557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1329/2008) of the Industrial Tribunal, Ahmedabad (Gujarat) as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 30-05-2008.

[F.No. L-12012/87/2005-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT AHMEDABAD

(BEFORE SHRI S. S. PANCHAL)

Reference (ITC) No. 1329/08

Reference (C.G.I.T.A.) No. 89/05

ADJUDICATION

BETWEEN

The Assistant General Manager,
Bank of Baroda, Regional Office,
Opp. Income Tax Office, P.B. No. 11,
Ahmedabad (GUJARAT)-380014.

... First Party

V/s.

Smt. Shushilaben B. Thakker,
C/o. Y.S. Pathan,
3493, B/H. Ushakiran Flats, Khanpur,
Ahmedabad (GUJARAT)-380001.

... Second Party

Reference under Section 10 (B) of the Industrial Disputes (Central) Rules, 1957.

Appearances :

Shri Vikram K. Mashar, Learned Advocate, for the first party.

Shri Y. S. Pathan, Learned Advocate, for the second party.

AWARD

(1) The Industrial Dispute between the parties above named has been referred for adjudication under Section 10 (B) of the Industrial Disputes (Central) Rules, 1957 by the Under Secretary, Government of India, Ministry of Labour, New Delhi by his following order:—

"No. L-12012/87/2005-IR (B-II) dated 27th September 2005"

(2) The second party does not want to proceed in this matter and wants to withdraw the reference vide pursis at Ex.3 and asked for permission to withdraw the reference. The permission to withdraw the reference is granted. The reference thus stands withdrawn. No order as to costs.

Place: Ahmedabad

Date: 16-4-2008

S. S. PANCHAL, Industrial Tribunal-Cum-Labour Court

नई दिल्ली, 2 जून, 2008

क्र.आ. 1558.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 878/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-5-2008 को प्राप्त हुआ था।

[फा.सं. एल-12012/30/2000-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 2nd June, 2008

S.O. 1558.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 878/2005) of the Central Government Industrial Tribunal-cum-Labour Court No 2, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 30-05-2008.

[F.No. L-12012/30/2000-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH
PRESIDING OFFICER: SHRI KULDIP SINGH

CASE ID. NO: 878/2KS

Registered on: 9-9-2005

Date of Decision: 27-5-2008

Jaswinder Singh S/o Inder Singh R/o Sant Nirankari
Bhawan, Nilokheri, Karnal Petitioner

Versus

The Regional Manager, PNB Regional Office, 1154,
Sector 13, Urban Estate, Karnal Respondent

APPEARANCES

For the Workman : Shri Madan Mohan, Advocate
For the Management : Mr. Vishal Agarwal, A.R.

AWARD

The following reference was received for adjudication from the Ministry of Labour, Government of India, New Delhi:

"Whether the action of the Regional Manager, Punjab National Bank, Karnal (Haryana) in treating the services of Shri Jaswinder Singh S/o Shri Inder Singh as "voluntarily retired" w.e.f. 3-5-1996 is just and legal? If not, what relief the workman is entitled?"

On getting the notice of the reference, the parties appeared. The workman appeared through counsel whereas the Management appeared through their representative. The workman filed his statement of claim, to which the Management filed the reply duly supported by the affidavit of Shri Munishwar Bajaj, their Officer, Photo copies of a number of documents. The workman also filed his affidavit and produced photo copies of a number of documents. In support of his claim, the workman appeared as witness whereas the Management examined Shri Munishwar Bajaj, as their witness. Both the parties have submitted written arguments.

I have gone through the file and have also considered the rival contentions of the parties.

Stated in brief the claim of the workman is that he had joined service with the Management as clerk cum Cashier on 22nd of Feb, 1986. He proceeded on leave to Lucknow with permission w.e.f. 24th of August, 1995. As he fell ill, so he extended leave upto 20th of Sept, 1995. His illness prolonged so he kept on extending the leave upto 12th of June, 1996 and so on. On 10th of July, 1996 he requested for permission to join duties despite his illness and sent the prayer to Regional Manager, PNB, Karnal, but received no reply nor learnt about the re-action of management on his applications, made for grant of leave. Instead, on 12th of January, 1996 he received a telegram intimating him "Absence unauthorized. Resume duty immediately". In reply to his legal notice he was informed that he is deemed to have voluntarily abandoned his job w.e.f. 3-5-1996, in terms of para 17(a) of the Bipartite settlement. He admitted to have received letters of the management dated 31st of Oct. and 23rd of Nov. 1995 directing him to resume his duties, failing which disciplinary action was to be taken against him. But since he was ill, therefore, he was not in a position to resume his

duties. It is further his claim that the Management had not issued him any notice, neither he was charge sheeted nor any enquiry was held against him. His applications were also not rejected. He was wrongly presumed to have joined some other service which fact was wrong. The management did not give him opportunity to explain his position. Since he had put in more than 240 day's Service to the Management, they violated the provisions of section 25-F by failing to give him notice before terminating his services and without paying him the retrenchment compensation. The Management by making fresh recruitment and by retaining his juniors further violated the provisions of Section 25-G and 25-H. He denied that he had voluntarily abandoned the service. His prayer is for declaring his retrenchment as illegal, arbitrary and violative of principles of natural justice and for a direction to the Management to re-instate him with continuity in service and back wages besides other consequential benefits.

The Management has opposed the claim of the workman by raising preliminary objection that since the Petitioner was a workman as defined under the Industrial Dispute Act, 1947 and the action against him was taken under Bipartite Settlements, which governed his services, therefore, the reference is not maintainable and should be dismissed. On merits, the Management admitted that the workman had joined service on 22nd of Feb, 1986 as clerk cum cashier and was confirmed in service. They have, however denied that the conduct of the workman, during the service, was unblemished and very good. Accordingly to them the workman remained absent from duty unauthorisedly as he did not intimate about his absence from duty to the Management not reported for duty. Thereupon the Management issued notice to him on 23rd of June, 1992, in terms of paragraph 17(a) of Fifth Bipartite Settlement asking him to report for duty within 30 days and also submit his explanation for remaining absent from duty. He was further informed that if failed in complying with directions he would be treated to have retired from service voluntarily. In response, the father of workman-Inder Singh, wrote to the Management that the workman has received threatening letter from All India Sikh Federation, therefore, he has gone underground. He requested for sanctioning extra-ordinary leave without pay in favour of the workman. The workman also wrote letters dated 24th and 7th of Sept, 1992, making the same request and also for permission to join duties. The Management allowed the workman to join his duties on 17th of Sept. 1992 although the explanation given was not convincing, but he did not join the duties. The workman was not given permission to proceed on leave w.e.f. 24th of August, 1995 nor permission to leave the Station was granted to him since he did not make request for the same. On getting his applications dated 31st of August and 20th of Sept, 1995, he was telegraphically informed that "Absence unauthorized. Resume duties immediately." It is the further claim of the Management that the application of the workman dated

19th of Sept. 1995 was not received although applications dated 21st of Oct. and 21st of Nov. 1995 were received and the workman was informed, at his Lucknow address, vide letter dated 31st of Oct. 1995 that he is being treated as absent from duty unauthorisedly. Applications dated 22nd of Nov. 1995 and 10th of January, 1996 were also rejected. He was again informed telegraphically on 23rd of Nov. 1995 that he was being treated absent from duty unauthorisedly and was advised to resume his duties immediately. In that regard a letter dated 22nd of Dec. 1995 was also sent at his Lucknow address. Leave sought vide applications dated 11th of January and 11th of March, 1996 was also not sanctioned. However, application for grant of leave from 11th of March to 12th of June, 1996 was not received by the Management. An application for extension of leave upto 31st of July, 1996 though was received but before that the workman was conveyed the order of the Competent Authority dated 3rd of May, 1996 by letter dated 13th of July, 1996. The Management also deputed an officer to convey the decision of the competent authority at his Nilokheri address but it was told by the neighbours that the workman has gone abroad. An other application for extension of leave from 1st of August to 31st of Oct. 1996 was received but the workman was conveyed by letter dated 16th of Sept. 1996 that he has been treated to have voluntarily retired from service in terms of paragraph 17 (a) of the Bipartite Settlement. After a gap of two years a registered notice dated 1st of July, 1998 was received by the Management.

The further case of the Management is that since the workman had remained absent from duty for more than 90 days and despite notice did not resume his duties within 30 days nor submitted satisfactory explanation, therefore, he was deemed to have retired from service voluntarily w.e.f. 3rd of May, 1996, therefore, there was no occasion to allow him to join his duties as per his request dated 10th July, 1996. Denying the claim that the Management has not responded to the applications of the workman for grant and extension of leave or that the workman had come to know about the voluntary cession of his employment only by the reply to his legal notice, it is stated by them that since the reply to the workman was sent under registered cover on his last known address, he was deemed to have received the same in terms of paragraph 19.16 of the Bipartite Settlement. They have further denied that the workman could not resume his duties due to illness and submitted that since the action against the workman was taken in accordance with paragraph 17 (a) of the Bipartite Settlement no enquiry was required to be held against the workman nor the same was held. However, all the requirements of Bipartite Settlement were fulfilled. They have further denied having violated the provisions of Section 25-G or H or the principles of natural justice.

In support of his claim the workman appeared in the witness box and proved his affidavit W1 and also relied

upon documents W2 to W10. In cross-examination he admitted that he had remained absent from duty from 24th of August, 1995 to 3rd of May, 1996 as he was ill but he had submitted only one medical certificate dated 31st of August, 1995. He further admitted that even on earlier occasion he had remained absent from duty from 27th of January to 15th of Sept. 1992 since being related to Nizami Mission he was apprehending terrorist attack on him. He admitted that he had no treatment chart or proof of medical treatment except of the medical certificate submitted for these weeks. He further admitted that there was no earned or medical leave in his credit except six medical leaves on half pay, four casual leaves and one privilege leave. He claimed that he cannot produce his passport having been lost. He admitted to have received letter dated 31st of Oct. 23rd of Nov. and 22nd of Dec. 1995, 12th of January, 3rd of April and 3rd of May, 1996. It may be noted here that further examination of the workman was deferred for his production of police report regarding loss of his passport. The record of the file shows that he did not produce the same nor submitted any explanation for not doing so.

The Management examined Shri Munishwar Bajaj as their witness who proved his affidavit exhibit MW1. He admitted that except two, application for grant of leave were received from the workman but the same were received late and the leave was not granted as the same was not due to the workman and also for administrative reasons. The rejection of leave was conveyed to the workman but the letters sent were received back where upon messenger was also sent and it was reported that the workman has gone abroad. He admitted that the management has no proof to show that the workman had gone abroad, but claimed that once he and second time a peon had gone to serve the workman.

I have gone through the file and have also considered the submissions made by the parties.

The claim of the workman is that the Management has terminated his services illegally without any charge sheet, enquiry and without complying with the provisions of Sections 25-F, G and H of the Industrial Dispute Act, 1947, hereinafter to be referred to as 'Act'. As against to it the claim of the Management is that the workman has applied for leave from 31st of August, 1995 to 20th of Sept. 1995 in response to which the workman was informed telegraphically that he is absent from duty unauthorisedly; and that he should resume duties immediately. In response to his application for grant of leave from 21st of Oct. to 21st of Nov. 1995 he was informed vide letter dated 31st of Oct. 1995 that he is being treated unauthorisedly absent from duty. Accordingly to the Management the workman was informed time and again that he is being treated absent from duty and was directed to resume his duties immediately. They have further claimed that the workman was informed vide letter dated 13th of July, 1996 that the Competent

Authority vide its order dated 3rd of May, 1996 has treated him to have retired voluntarily in terms of paragraph 17 (a) of the Bipartite Settlement. The workman in his statement before this Tribunal admitted that he had received the letters of the Management dated 31st of Oct, 23rd of Nov, 22nd of Dec, 12th of January, 3rd of April and 3rd of May, 1996. These were the letters by which the Management had conveyed to the workman that his request for grant of leave have not been accepted and he is being treated to be absent from duty unauthorisedly and was directed to resume his duties immediately. By letter dated 3rd of May, 1996 he was conveyed to have been treated to have retired voluntarily. In view of this evidence and admission on the part of the workman it does not lie in his mouth to claim that the Management had not conveyed him that his prayer for grant of leave from time to time has not been accepted.

There is also no merit in the claim of the workman that since he was ill, therefore, he was not in a position to resume his duties as he himself has admitted that he had submitted only one medical certificate dated 31st of August, 1995 by which he was advised rest for three week. What happened thereafter, he has not explained. He further admitted that he has no treatment chart of a doctor. The workman claimed to have remained ill for about a year but could he had not taken the treatment and if taken why he failed to produce the record thereof. Here the version of the Management fits in that the workman has only manipulated his illness and in fact he had gone abroad. It is true that they could not produce any positive evidence to show that the workman was not in the country and had gone abroad, but the circumstances prove that he was not in the country. The workman in his statement admitted that he had obtained the passport after getting NOC from the Bank. When asked to produce the passport, he claimed to have lost the same and said that a FIR was lodged in that regard and took time to produce the copy of the FIR, but did not produce the same nor submitted any explanation for not doing so. Munishwar Bajaj, Manager, the witness of the Management claimed that he himself had gone to the house of workman to serve the letter of Management on the workman and he was told that the workman has gone abroad. Accordingly to him the messenger of the Bank sent for the same purpose, had also received the same reply from the neighbours of the workman. The workman has failed to prove his illness to the extent that he could not report for duty. He has withheld the production of his passport. This supports the claim of Management that as per his neighbour, the workman had gone abroad. The workman so as to dislodge this claim could have produced any of his neighbours that he was in the country or was ill. Nothing such has been done. Whether the workman was ill or not and whether he had gone abroad or not, the fact remains that he had absented from duty without leave. He himself admitted that he had very less leave left

at his credit. He also failed to show that he had threats from the terrorists and so went in hiding and could not resume his duties. All excuses he seems have coined to justify his absence from duty. The authorities relied upon by the workman do not support him as in this case the management gave ample opportunities to the workman to resume duties and also to explain his absence. They were considerate to allow him to rejoin his duties on 17th of Sept. 1992 even when he had remained absent from duty from 21st of January, 1992.

There is no denying the fact that the workman being an employee of the Management was governed by the Bipartite Settlements and awards. Therefore, he was governed by Paragraph 17 (a) of fifth Bipartite Settlement. From the record of the file it is clear that the workman had remained absent from work for more than 90 days without any leave since as per his own admission he did not have sufficient leave at his credit. The workman is shown to have received the notices of the Management but he failed to resume his duties. He further failed to furnish evidence to show that his absence was for the reasons beyond his control; and that he had not taken up another employment or avocation; and that he had the intentions to join the duties. Workman having failed to prove all this cannot claim that he had the intention to join the duties, but the Management did not allow him to resume his duties. The evidence available on record rather shows that the workman had voluntarily retired from the service of the Management and the action of the Management to treat him to have voluntarily retired w.e.f. 3-5-1996 was legal and justified. The workman is not entitled to any relief. The award is passed against him.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2008

का.आ. 1559.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 11, चण्डीगढ़ के पंचाट (संदर्भ संख्या 342/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2008 को प्राप्त हुआ था।

[का.सं. एल-40012/18/2001- नं. 11 (डीयू.)]

सुरेंद्र सिंह, डेस्क अधिकारी

New Delhi, the 2nd June, 2008

S.O. 1559.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award(Ref No.342/2005)Central Government-Industrial Tribunal-cum-Labour Court No.II Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 2-6-2008

[F.No.L-40012/18/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE ID.NO:342/2K5

Registered on: 16-8-2005

Date of Decision : 2-5-2008

Balbir Singh S/o Shri Narata Ram, VPO Saidpura, Tehsil Sirhand, Patiala.

—PETITIONER

Versus

The District Manager, Telecom Patiala

—RESPONDENT

—APPEARANCE

For the Workman Com Karan Singh, Advocate

For the Management Shri G.C.Babbar, Advocate

AWARD

The workman continues to be absent. Management appears through counsel. Mr. Karan Singh Advocate who had been appearing for the workman is present in another case and states that he has no instructions to appear in the case. It is on record that the workman had not been appearing in the case regularly for many dates, therefore, a notice under register cover was issued to him vide order dated 31st of July, 2007. He appeared on the date fixed for 3rd of Sept, 2007 and sought time to engage a new counsel and also to produce his evidence. Thereafter he has not appeared. He also did not collect the copy of affidavit of witness of the Management. From the conduct of the workman it is clear that he is not serious to prosecute his claim. Therefore, I propose to dispose off the reference in the absence of the workman.

Ministry of Labour, Government of India, vide their order No.L-40012/18/2001/IR (DU) dated 12th of April, 2001, desired of this Tribunal to adjudicate upon "Whether the action of the Management of Telecom, Patiala in terminating the services of Sh. Balbir Singh s/o Sh. Narata Ram is legal

and justified? If not, to what relief the workman is entitled to and from which date?" On getting the notice of the reference, the parties appeared and filed their pleadings. The workman filed his statement of claim and the replication, the Management their reply. The workman also filed his affidavit and the Management filed the affidavit of their AGM Trilochan Singh which was substituted with the affidavit of their D.E. Shri S.L.Verma.

The workman has claimed that he was employed as a casual labour and served the Management at Rajpura Sub Division prior to 13th of Feb, 1984 and then at Sirhand Sub-Division and was paid wages @1200 pm; that although he had served the Management from 1st of Feb, 1984 to 30th of June, 1990, the Management did not grant him temporary Status. Agitated because of filing of application by the workman before the CAT, Chandigarh, the Management terminated his services since 1998, although by then the workman had put in more than 240 days continuous service to the Management. He was also not given any notice before the termination of his services nor was paid wages for the notice period. He was also not paid the retrenchment compensation. The Management further violated the law when they appointed fresh hands after the termination of his services.

The claim of the workman has been opposed by the Management stating that it is hopelessly barred by time. It is further their claim that the workman had served the Management from Nov, 1983 to Dec, 1985 and left the job at his own. He remained absent from duty. His claim was denied by the CAT Since he could not get the benefit of temporary status being not in the service of the Management on 1st of Oct, 1989. The Management has also claimed that they are not an industry and the petitioner is not a workman. The claim of the workman thus has been denied by the Management.

In support of his claim that workman has not produced any evidence. The documents placed on record by him have not been proved nor even his affidavit. As stated above the workman has played hide and seeking with proceedings in this Tribunal. The claim made by him has been denied by the Management. His claim is otherwise also belated, thus bad in law. There is no evidence on record to show that it was the Management which had terminated the services of the workman and the said action of the Management was illegal and unjustified. Therefore, the workman is not entitled to any relief. The reference is answered against him and the award is passed.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2008

SCHEDULE

का.आ. 1560.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पै.बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. II) धनबाद के पंचाट (संदर्भ संख्या 30/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/176/2005-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2008

S.O. 1560.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 30/2006) of the Central Government Industrial Tribunal/Labour Court (No. II) Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 2-6-2008.

[F.No. L-20012/176/2005-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

REFERENCE NO. 30 OF 2006

PARTIES: Employers in relation to the management of P.B. Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman	:	None
On behalf of the employers	:	Shri B. M. Prasad, Advocate.

State: Jharkhand Industry: Coal

Dated, Dhanbad, the 22nd May, 2008.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/176/2005-IR (CM-I), dated, the 1st June, 2006.

"Whether the action of the management of 10/12 Pits Kachhi Batihari Colliery under P.B. Area of M/s. BCCL in dismissing Shri Laxmi Kant Mahato, General Mazdoor from the services of the company vide letter dt. 1/5-3-2005 is fair and justified? If not, to what relief is the concerned workman entitled?"

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management, however, made appearance through their authorised representative. It transpires from the record that Regd. Notice and show cause notice were issued to the concerned workman/ sponsoring union. The concerned workman/sponsoring union not only failed to comply with the provisions of Rule 10(B) of the I.D. (Central) Rules, 1957 but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the concerned workman/ sponsoring union if is looked into will expose clearly that they are not interested to proceed with the hearing of this case. Under such circumstances, this Tribunal finds no ground to adjourn the case suo moto for days together. Accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 2 जून, 2008

का.आ. 1561.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पै.बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. II) धनबाद के पंचाट (संदर्भ संख्या 7/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/224/2003-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2008

S.O. 1561.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 7/2004) of the Central Government Industrial Tribunal/Labour Court (No. II) Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 2-6-2008.

[F.No. L-20012/224/2003-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)
(d) of the I. D. Act. 1947.

Reference No. 7 of 2004

PARTIES: Employers in relation to the management of
Katras, Area of M/s. BCCL and their workman.**APPEARANCES:**On behalf of the workman : Mr. J. N. Das
Authorised
RepresentativeOn behalf of the employers : Shri D. K. Verma
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 22nd May, 2008

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L -20012/224/2003 -IR -(C-I), dated, the 17th December, 2003.

SCHEDULE

"Kya Bharat Coking Coal Limited, Katras Kshetra Key Pravandhanttra Dwara Karmkar Shrimati Sajli Majhiain (Kamin) Ki Janmtarikh 1-7-46 Key Sthan Par 1-7-42 Mantey Huey Unhey Dinank 1-7-02 Sey Seva Nivrith Kiya Jana Uchit Evam Nayasangat Hain, Yadi Nahi to Karmkar Kis Rahat Key Patra Hain ?"

2. The case of the concerned workman named Sajli Majhiain in short is that the workman was appointed on 27-12-71 in Angarpathra Colliery (torn). Her date of birth has been recorded in the Service Excerpt as 31 years in 1977 according to which her date of birth was 1946. The management had also issued I. D. Card which also shows 31 years during 1977 and her actual date of birth took place in 1946 as recorded in the I. Card too at column No. "Date of birth" and "Date of appointment". The I. D. Card bears No. 29620. All of a sudden she received notice dated 12-2-2002 proposing her forced retirement w. e.f. 1-7-2002 which was a mala fide and illegal action of the management for her premature retirement from service. On this notice she approached the management for correction of her date of birth and she was given assurance that she will not retire w.e.f. 1-7-2002 and the said notice will be cancelled.

Several letters were written to the Senior Management officers in this connection but the management failed to consider the demand of the union. Accordingly an Industrial Dispute was raised before the ALC(C) Dhanbad which ultimately resulted reference to this Tribunal. Prayer has been made to direct the management to reinstate the concerned workman with all consequential benefits like full back wages with continuity of service, gratuity etc. with retrospective effect i.e. from the date of her premature and unlawful retirement.

3. The case of the management in short that as per Form B Register the age/date of birth of the concerned workman is recorded as 35 years as on 1977. As per Certified Standing Order her date of birth has to be taken 1st July of the said year which is 1-7-42. The Form B Register is maintained under Mines Act which is a statutory Register. For a long time the concerned workman did not raise any dispute regarding date of birth recorded in the Form B Register. She has not filed any document in support of her date of birth. In this view of the matter the concerned workman is not entitled for any relief.

4. In the rejoinder portion it has been stated that para-2,4,5,7 and 9 of the W. S. of the concerned workman is not correct. About rest paras it has been said to be the matter of record. It is also said that there is no merit in the case of the concerned workman and prayer has been made to reject the claim of the concerned workman and Award may be passed accordingly.

5. The concerned workman has also filed a rejoinder in which she has stated that the statement made in para 1,2,6, of the W. S. of the management is the matter of record. About rest paras further details have been mentioned as to how the date of birth as claimed by the concerned workman is correct. In this rejoinder portion reply to the rejoinder has also been mentioned in which the concerned workman has made statement giving details as to how her claim for date of birth is correct and she has been forcibly retired prematurely. Prayer has been made as mentioned earlier while dealing with the case of the W. S. of the workman.

6. POINTS TO BE DECIDED

"Kya Bharat Coking Coal Limited Katras Kshetra Key Pravandhanttra Dwara Karmkar Shrimati Sajli Majhiain (Kamin) Ki Janmtarikh 1-7-46 Key Sthan Par 1-7-42 Mantey Huey Unhey Dinank 1-7-02 Sey Seva Nivrith Kiya Jana Uchit Evam Nayasangat Hain? Yadi Nahi to Karmkar Kis Rahat Key Patra Hain ?"

FINDING WITH REASONS

7. In spite of giving several opportunities the concerned workman did not produce any witness. They also failed to get the documents exhibited. Onus lies upon the concerned workman to prove her case which has not been done in the instant case. Accordingly no relief can be granted to the concerned workman. In the result, the following Award is rendered :—

"Bharat Coking Coal Limited, Katras Kshetra Key Pravandhtantra Dwara Karmkar Shrimati Sajli Majhia in (Kamin) Ki Janmtarikh 1-7-46 Key Schan Par 1-7-42 Mantey Huey unhey Dinank 1-7-02 Sey Seva Nivriti Kiya Jana Uchit Evam Nayasangat Hain . Atah Karmkar Kissi Rahat Key Patra Nahi Hain."

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 2 जून, 2008

का.आ. 1562.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ये.बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. II) धनबाद के पंचाट (संदर्भ संख्या 220/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/184/2001-आई.आर.(सी-I)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2008

S.O. 1562.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No.220/2001) of the Central Government Industrial Tribunal/Labour Court (No. II) Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 2-6-2008.

[F.No. L-20012/184/2001-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act. 1947.

REFERENCE No. 220 of 2001

PARTIES: Employers in relation to the management of Kustore Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. S. C. Gaur,
Advocate.

On behalf of the employers : Mr. U. N. Lal, Advocate
State : Jharkhand Industry : Coal

Dated, Dhanbad, the 15th May, 2008.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No.L-20012/184/2001-IR (C-I), dated, the 10th August, 2001.

SCHEDULE

" Whether the action of the management of BCCL, in not taking into the account the SPRA while fixing pay of Shri Rambrich Paswan, Turner Helper, in Category-II is legal and justified ? If not, to what relief is the workman entitled ?"

2. The case of the concerned workman Rambrich Paswan, is that he was initially appointed as a piece rated Miner Loader in the year 1986. He continued to work as Piece rated Miner Loader upto 1991 and was paid Spl. piece rated allowance apart from other normal wages paid to a P/R Miner/Loader. The Special piece rated allowance is annual increment to piece rated workers paid annually to a time rated and monthly rated employees which is covered under NCWA. In the year 1992 the employer M/s. BCCL engaged the concerned workman in time rated job Cat. I according to requirement and need. Within a short time he was shifted to the post of Turner Helper Cat. II post of time rated as per NCWA. In May/June, 1996 as a piece rated employee the concerned workman was paid a sum of Rs. 11.12 per day as S.P.R.A. and the said S.P.R.A. was not included while fixing wages in time rated Cat. I and II. Due to wrong fixation minus SPRA there was average loss of Rs. 16.00 per day, besides V.D.A, S.D.A etc. As piece rated miner/loader the concerned workman was paid U/G allowance but the same was stopped after shifting on surface in time rated job putting the concerned workman in double loss. The management has adopted a discrimination in adding and omitting SPRA after conversion from P.R. to T/R job which is violative of the decision of NCWA and also of BCCL's own guidelines. The concerned workman is entitled for special piece rated allowance after conversion to time rated job from August/September, 1996 till date as per provisions of N.C.W.A.

3. It appears that the concerned workman has also filed a rejoinder stating that the statement made in W.S. of the mangement in para-3,4,5,6,7 is irrelevant. Beside this it has been stated that the statement made in para-2 is not fully correct and the statement in para-1 is the matter of record. Again in the prayer portion it has been said on to Award for inclusion of SPRA in basic wages of Cat I/II from August/September, 1996 and payment of revised wages accruing with correct fixation.

4. On the other hand the management has filed W.S. stating the fact that the concerned workman Rambrich Paswan was appointed as U.G. Miner/Loader vide order dt. 2/3-1-1992. The concerned workman was deployed as Helper Trainee (Turner) with stipulation that after completion of two years successful training his suitability will be adjudged and if he is found suitable he will be placed in Cat. II as per office order dt. 27-11-1991. After two years he was not found fit for the aforesaid post and in the year 1996 he was deployed as General Mazdoor in Cat. I. An I.D. was raised by the General Secretary, KIMP Union before the ALC(C), Dhanbad IV demanding for placement in Cat. II. A Tripartite Settlement was arrived on 20-11-1997 in full and final settlement and as per terms of the said settlement Shri Paswan was promoted to the post of Turner Helper in Cat. II and was allowed notional seniority w.e.f. 1-7-1996. Now other association in the present case i.e. Coal Mines Workers Engineering Association has taken up another I.D. The fixation of pay was done as per policy of the Company in view of the terms of settlement after promotion. Since the concerned workman was promoted from Cat. I to Cat. II the question of fixation of basic pay by adding the SPRA in the post of U.G. Miner/Loader does not arise. The matter has already been settled in view of the settlement between the parties. The Tripartite Settlement is just, fair, legal and correct. The demand of the concerned workman/union for taking into account the SPRA which the workman had earned while working as U.G. Miner/Loader is not correct and justified. The concerned workman had consented and interviewed, trade tested by a duly constituted Selection Committee for Trainee (Turner) and final absorption in the regular grade was to be decided subject to his suitability after completion of two years training which the workman could not do so. The management had no option other than to place him in general mazdoor Cat. I and he was allowed to draw wages of Cat. I. The concerned workman is not entitled for the relief as prayed for.

POINTS TO BE DECIDED

5. "Whether the action of the management of BCCL, in not taking into the account the SPRA while fixing pay of Shri Rambrich Paswan, Turner Helper, in Category-II is legal and justified? If not, to what relief is the workman entitled?"

FINDING WITH REASONS

6. To support the case, the concerned workman has produced himself as witness. On his behalf four documents i.e. W-1; W-2, W-3 and W-4 have been marked as exhibit. On behalf of the management Awadh Bihari Singh, witness has been examined as MW-1 and further 11 documents have been filed from Ext. M-1 to M-11.

7. During the course of arguments Ld. Lawyer for the concerned workman has vehemently argued that as

per provision contained in NCWA 3-11-3, 3-11-4 and 3-11-5 the concerned workman is entitled for the relief. He has also submitted that as per Ext. W-4 which is a letter of the management issued to all area G.M. and all Area Chief G.M. while deciding the basic wages SPRA has to be taken into consideration and pay has to be protected to the Miner/Loaders diverted to time rated Cat. I and Cat. II grades. He has further submitted that pay of the concerned workman is protected and this cannot be reduced by excluding the SPRA in terms of Section 9A of the LD. Act. To support this contention he has also filed a decision reported in 2002 Lab I.C. 852.

8. On behalf of the management it has been argued that since the concerned workman did not pass the Trade Test after completing the period of 2 years he was placed in Cat. I General Mazdoor. He was given job on the surface and he was not entitled for underground allowance. He was posted in time rated job, hence he was not entitled for SPRA. It has further been argued that there had been a settlement between the parties and in view of the settlement the concerned workman has been promoted to the post of Turner/Helper Cat. II. He has been given notional seniority of turner and helper with effect from 1-7-1996. This settlement has been signed by the Secretary of KIMP Union Jharia which has raised the industrial dispute before the ALC (C), Dhanbad-IV and senior P.O. Kustore/ Bhalgora Area of BCCL. This settlement was arrived on 20-11-1997 between the parties and in terms of the settlement the order has been issued on 25/26-11-1997. The settlement is fair, just and legal. In this view of the matter the concerned workman is not entitled to get any relief.

9. Before deciding the issue in question it will be relevant to refer the provision of NCWA which reads as follows :—

"3.11.3 Special Piece-Rate Allowance

Piece-rated workers who were on the rolls on 30th June, 2001 and continued to be as on 1st July, 2001, the following amount as indicated against each group, will be paid as SPRA annually in addition to their existing SPRA, to provide motivation for achieving higher productivity. This will be effective from 1-7-2001 (However, the SPRA will accrue from anniversary date of employee concerned).

Group	Rate of Annual SPRA (Rs. per day)	
	As per NCWA-VI w.e.f. 1-7-1996	Revised Rates as per NCWA-VII w.e.f. 1-7-2001
I	Rs. 1.92	5.37
II	Rs. 2.14	5.48
III	Rs. 2.60	5.62
IV	Rs. 2.60	5.65
V	Rs. 3.14	7.02
VI	Rs. 3.14	7.05

SPRA already drawn on and from 1st July, 2001 onwards will be adjusted and the employees will be entitled to the payment of difference between the rates agreed to herein above and the payment already made to them.

- 3.11.4 Piece-rated workers appointed on after 1st July, 2001 will also be entitled to earn the special Piece Rated Allowance after completion of one year continuous service in the manner time rated workers are granted annual increment on 1st March and 1st September. The Special PR Allowance in respect of Piece-rated workers appointed on after 1st July, 2001 will be regulated as under :

(a) Those who complete one year of service on any day between 1st July, 2002 to 31st August, 2002 will get their 1st SPRA on and from 1st September, 2002.

(b) Those who complete one year of service on any day between 1st September, 2002 to 28th February, will get their 1st SPRA on and from 1st March, 2003.

3.11.5 The Special Piece-Rate Allowance will not count for computation of sub rates/piece-rates/pro-rates payment for additional tubs. This amount will, however, be treated as basic for all other purposes.

However, in the present facts and circumstances of the case the matter has to be decided on the basis of evidence and materials on record as to how and in which manner the concerned workman was posted as piece rated employee and was placed as Cat. II Turner Helper and whether he is entitled for the relief as prayed for.

10. WW-1 in his evidence has stated that he was appointed as Miner/Loader on 15-6-1987 at east Buggatdih Colliery as piece rated employee. He has produced Ext. W-1 wage slip for the months of May and June, 1996. At that time he used to receive SPRA @ Rs. 11.12 P. per month. Thereafter he was accepted by the management as Time rated worker w.e.f. 1-7-1996. The wage slip issued is marked as Ext. W-2. In time rated no S.P.R.A. was given. He has produced Ext. W-3 regarding conversion of time rated worker from piece rated workman. This was issued on 29-12-1987 (which should be 29-12-1997) and his pay was fixed notionally w.e.f. 1-7-1996 to 30-11-1997. The management refuse to adjust his S.P.R.A. with his wages illegally inspite of the circular dt. 3-11-1997 marked as Ext. W-4. He has sustained financial loss. During cross-examination he has stated that he has worked as Miner/Loader on piece rate basis till December, 1991. After 1991 as per order of the management he took training of Turner Helper. It is not a fact that as he did not successfully complete the training as Turner Helper for a period of two years as per order he was reverted back not as Miner Loader but as General Mazdoor Cat. I. Thereafter his union

K.I.M.P. raised an industrial dispute. In course of hearing his union entered into a settlement between him and the management which is Ext. M-2. The terms of settlement have been duly acted upon. Thereafter management issued the order of Turner Helper marked as Ext. W-3. By the administrative order of the management his service was regularised as Turner Helper and his pay was fixed vide order dt. 29-11-1997. It is not a fact that as General Mazdoor Cat. I he got regularisation in Cat. II as Turner Helper and he is not entitled to get S.P.R.A. The post of General Mazdoor is time rated. No S.P.R.A. is paid to General Mazdoor.

11. MW-1 has stated that the concerned workman got appointment in the year 1987 as Miner/Loader. He was selected for training and his name is appearing at SI.No. 1 in Ext. M-4. By this order the concerned workman was allowed to remain on training for 2 years. Vide order dt. 27/29-1-1992 the concerned workman was placed in Cat. I as he did not complete his training successfully. Vide order dt. 20-6-1996 the concerned workman was placed in Cat. I as General Mazdoor. After Tripartite Settlement the concerned workman was placed in Cat. II as Turner Helper and notionally seniority was given w.e.f. 1-7-1996 without any arrear. From his evidence it appears that the concerned workman had raised industrial dispute. Since the concerned workman was placed in T.R. job Cat. I is not entitled to get S.P.R.A. which a piece rated worker is entitled to get. During cross-examination he has said that the concerned workman worked as piece rated worker as Miner/Loader from 1987 to 1991. Thereafter he was placed in job training, though he used to draw his wages on piece rated basis. S.P.R.A. is a kind of annual increment which is given to piece rated worker only. There was no provision for adjustment of S.P.R.A. with the basic wages of time rated worker. Thereafter the witness was put question regarding provision of S.P.R.A. in course of that NCWA circular issued by the Headquarters i.e. the S.P.R.A. has to be added in basic wages of piece rated worker when he is converted to time rated worker to which he replied that he does not know.

12. From evidence on record of both the witnesses i.e. the concerned workman as well as of the management it appears that the concerned workman was appointed initially as piece rated worker. Thereafter he was converted into time rated worker. It is also not in dispute that while working as piece rated worker the concerned workman was receiving S.P.R.A. However, the S.P.R.A. was not added in his basic wage when he was converted to time rated worker.

13. Much argument has been advanced on behalf of the concerned workman that in view of the provision of NCWA para 3-11-3, 3-11-4 and 3-11-5, piece rated workers are entitled S.P.R.A. when they are converted to time rated category. In this context Ext. W-4 has also been referred.

14. As per provision in NCWA is concerned that will be examined in the context of the facts and circumstances of this case. So far as the relevant portion of Ext. W-4 is concerned it reads as follows :—

"Ext. W-4

On the issue of fixation it was decided that the Initial Basis wages of the Category of regularisation plus SPRA earned by a concerned workman will be protected to the extent of the maximum of the scale of a particular TR category in which the workman is being regularised; however, those Miners/Loaders who had already given option to work in a particular Category in Time Rated job, will be fitted in the scale of pay according to the option given."

15. It will be relevant to mention here that there is nothing to record to show that the concerned workman had given any option to work in a particular category in time rated job and as per circular referred to above the scale of pay was to be fixed according to the option which is not a case here.

16. From the evidence of the concerned workman during cross-examination referred to above it appears that his service was regularised as Turner Helper vide Ext. M-3. However, he has denied that he did not successfully complete the training as Turner Helper for a period of two years. From his further evidence in cross-examination it appears that the post of General Mazdoor is in time rated category and no S.P.R.A. is paid to the General Mazdoor.

17. In the aforesaid context from the evidence of MW-1 it appears that the concerned workman did not complete his training. Therefore, he was placed in Cat. I as General Mazdoor. Thereafter as per settlement he was placed in Cat. II giving notional seniority without any arrears.

18. While going through Ext. M-1 it appears that at Sl. No. 7 the name of the concerned workman appears and as per Ext. M-1 which is dated 27-11-1991 on the recommendation of the D.P.C. the concerned workman and others were selected for the job training. This particular concerned workman was placed in Turner Training and his final absorption in regular grade was to be decided as per suitability and availability of the post after completion of the training. Vide Ext. M-5 it appears that the concerned workman was allowed to join his duty at East Bhuggatdih Colliery w.e.f. 2-1-1992 as helper trainee turner. He was to be under apprenticeship training for a period of 2 years and after completing the training his suitability was to be adjudged by the committee. His existing pay scale and other terms and condition as presently applicable to him for training he will be paid wages from 26-12-1991. From pursual of Ext. M-6 which is dated 27/29-1-1992 it appears that the concerned workman as well as 5 other persons were given the duties of General Mazdoor Cat. I for putting

them on the job training as SDL Operation and maintenance for a period of one year. It was also ordered that they will be paid Cat. I wage without any protection of pay and after their placement in the Cat/Grade as per nature of job will be finalised after suitability test. Again from Ext. M-7 it appears that in pursuance of order dated 27/29-1-1992 (which appears to be Ext. M-6) and subsequently letter from Area Personnel Manager, Kustore Area they have been selected for the post of General Mazdoor Cat. I as approved by the H.Qrs. vide letter dt. 13/15-1-96 from the H. Qtr. were asked to report for duty to the Manager, East Bhuggatdih Colliery putting them on the job training as S.D.L. operation and maintenance for a period of one year from the date of their joining. In this Ext. M-7 the name of the concerned workman and three others have been mentioned. It has been also mentioned that they will paid Cat. I wages without any protection of pay w.e.f. 20-6-1996. Vide Ext. M-8 it appears that the concerned workman was placed in Cat. II as Turner Helper from General Mazdoor Cat. I w.e.f. 1-12-1997. He was also given notional seniority with notional fixation w.e.f. 1-7-1996. However, he was not to be given any arrear payment/ financial benefit for the period from 1-7-1996 to 30-11-1997.

19. From the evidence and documents referred to above it appears that the evidence of MW-1 is supported by the documents i.e. exhibits mentioned above to show that the concerned workman was given another type of job of training and designation. From the evidence of concerned workman referred to above it shows that SPRA is not paid to the General Mazdoor and it also appears from his evidence that the post of General Mazdoor is in Time Rated Category.

19. However, it appears that the concerned workman has raised an industrial dispute before the ALC (C), Dhanbad and there had been settlement between the parties on the following terms (Ext. M-2) :—

- "1. That Shri Ram Briksh Paswan, General Mazdoor of East Bhuggatdih shall be promoted to the post of Turner Helper Cat. II with immediate effect.
2. That the above workman shall be given the notional seniority of Turner Helper Cat. II w.e.f. 1st July, 1996 without any back wages.
3. That the management and the union both shall submit implementation report to the ALC/RLC(C), Dhanbad within three months from the date of receipt of this letter failing which it will be presumed that the settlement in question has been implemented in full."

It further appears that after settlement between the parties the order dt. 25-12-1997 Ext. M-3 was issued. It further appears that prior to the settlement it has been specifically mentioned in Ext. M-7 regarding the fact that there will be no protection of wages. Nothing has been

mentioned regarding dispute of SPRA while settling the dispute between the parties which has been done after issuance of Ext. M-7 probably due to the reason that there is a change of nomenclature/post/designation of the concerned workman and he was not entitled for SPRA which also funds support from the evidence of the concerned workman during his cross-examination. No fact has been brought on record to show that the settlement as recorded in Ext. M-2 has been done under threat, coercion and allurements. However, subsequently another industrial dispute was raised by another union.

21. Ld. Lawyer for the concerned workman has vehemently argued that this industrial dispute is regarding inclusion of SPRA in the wages of the concerned workman while earlier industrial dispute with regard to absorption in a particular grade. So this is an entirely different industrial dispute. Hence the concerned workman is entitled for the relief. He has again submitted that in view of Section 9A of the I.D. Act his wages are to be protected and accordingly the SPRA should be included in his wages. Section 9A of the I.D. Act 1947 read as follows :—

"Section 9A

No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule shall effect such change—

- (a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or
- (b) within twenty-one days of giving such notice:

Provided that no notice shall be required for effecting any such change—

- (a) where the change is effected in pursuance of any (settlement or award); or
- (b) where the workman likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Services Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply).

22. From perusal of aforesaid provision it appears that no notice in change is required where the change is effected in pursuance of any settlement or Award.

23. Here in the instant case there is settlement Ext. M-2 on record which does not speak anything about inclusion of SPRA. It is needless to mention again there has been change of category/designation of the concerned workman.

In this particular facts and circumstances of the case it appears that the concerned workman is not entitled for the relief as prayed for.

24. From perusal of the judgement filed by the Ld. Lawyer for the concerned workman it appears that the facts and circumstances of this case is different and the said decision is not applicable in this case. Accordingly the same is not being discussed in details.

25. For the reason stated above the following Award is rendered:—

"The action of the management of BCCL in not taking into the account the SPRA while fixing pay of Shri Rambrich Paswan, Turner Helper, in Cat. II is legal and justified. Consequently, the concerned workman is not entitled to get any relief."

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 2 जून, 2008

का.आ. 1563.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै.जी. सी. सी. एल. के प्रबंधन के संबंध निरोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 11), धनबाद के पंचाद (संदर्भ संख्या 68/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/74/2006-आईआर(सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2008

S.O. 1563.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 68/2006) of the Central Government Industrial Tribunal/Labour Court (No. 11), Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 2-6-2008.

[F.No. L-20012/74/2006-IR(C-1)]

SNEH LATAJAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**

PRESENT

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

REFERENCE No. 68 of 2006.

PARTIES: Employers in relation to the management of E.J. Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. U. N. Lal, Advocate

State : Jharkhand

Industry : Coal.

Dated, the 15th May, 2008.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/74/2006-IR(CM-1), dated, the 10th November, 2006.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh of the management of Bhowra (S) Colliery of M/s. BCCL for regularising Sh. Surendra Kumar Singh and Madhusudan Mahato in the post of Haulage Operator is justified? If so, to what relief are the concerned workman entitled?"

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management-side, however, made appearance through their authorised representative. It transpires from the record that Regd. notices as Show cause notices were issued to the concerned workmen/sponsoring union. The concerned workman/sponsoring union not only failed to comply with the provision of Rule 10(B) of the I.D. (Central) Rules, 1957, but also did not consider necessary to respond to the notices issued by this Tribunal. If the gesture of the workman/sponsoring union is looked into it will expose clearly that they are not interested to proceed with the hearing of this case. Under such circumstances this Tribunal finds no ground to drag on the same for years together. Accordingly a 'No dispute' Award is passed in this case presuming non-existence of any industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 2 जून, 2008

क्र.आ. 1564.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मै बी. सी. सी. एल. के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/ग्राम न्यायालय (सं. II) धनबाद के पंचाट (संदर्भ संख्या 253/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/260/2001-आई.आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2008

S.O. 1564.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 253/2001) of the Central Government Industrial Tribunal/Labour Court (No. II) Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 2-6-2008.

[F.No. L-20012/260/2001-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI NAGENDRA KUMAR, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)

(d) of the I. D. Act. 1947.

REFERENCE No. 253 of 2001

PARTIES: Employers in relation to the management of Bhurkunda Area of M/s. C.C.L. and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. D. K. Verma
Advocate

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 15th May, 2008.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/260/2001-IR(C-1), dated, the 18th September, 2001.

SCHEDULE

"Whether the demand of the INMOSSA from the management of Bhurkunda Colliery, M/s. C.C.L. for giving promotional benefits to S/Sri Sanjay

Kumar Mandal, Badri Koiry, Shankar Sharma and Sardar Singh upon regularisation as Mining Sirdar is proper and justified? If so to what relief are the concerned workman entitled?"

2. The case of the concerned workman Sri Sanjay Kumar Mandal, Badri Koiry, Shankar Sharma and Sardar Singh in short is that the action of the management in not following promotional benefits to the concerned workman in the event of up-grading them to the post of Mining Sirdar is improper and unjustified. The demand of IN MOSSA for giving promotional benefit to the aforesaid workers are quite justified. The action of the management is discriminatory and contrary to the provision of cadre Scheme of Mining discipline formulated by the JBCCI for coal Industries. The concerned workmen were employed in Bhurkunda Colliery and details of designation have been given. It has further been stated that after passing the Statutory examinations conducted by the office of the D.G.M.S. Dhanbad the concerned workmen were qualified to be appointed as Mining Sirdar in coal Industries. Accordingly they applied for promotion in the post of Mining Sirdar in Technical and supervisory Grade-C in the pay scale of Rs.742-40-1762-45-1422 of NCWA-III for consideration of their promotion against the vacant post. As per office order dt. 12th/25th June, 1993 the concerned workmen were regularised in the post of Mining Sirdars in Technical Grade-C of NCWA-IV and they were denied promotional benefits. In similar other cases the management allowed the promotional benefits. Details have been given of the orders and the name of the persons who have been given the post of Mining Sirdar. The management adopted double standard policy in the matter of bringing their workers to the post of Mining Sirdar adopting discrimination. As per cadre scheme of Mining supervisory staff circulated vide implementation instruction No. 45 dt. 28-6-1985 of JBCCI the departmental workers having experience on working on Mines for 5 years and possessing the qualification of Mining Sirdarship certificate, Gas Testing Certificate and Valid First Aid Certificate from D.G.M.S. can be promoted to the post of Mining Sirdar. In the above circumstances, the management without any basis contrary to the provision of cadre scheme had denied promotion to the concerned workman. Prayer has been made to give direction to the management of Bhurkunda Colliery to allow the concerned workmen for promotional benefits as given in similar cases.

3. A.W.S. cum-rejoinder has been filed by the management stating that the concerned workmen were working in different designation in the time rated category from which they were regularised to the post of Mining Sirdar, Technical and Supervisory Grade-C in monthly rated scale of pay vide order dt. 12/25-6-93. The concerned workmen were in different cadre prior to their regularisation

as Mining Sirdar in Technical and Supervisory Grade-C. The promotion is given within the cadre. Since the concerned workmen were outside the cadre they were regularised in a cadre and as per the rules of the company at the time of regularisation as Mining Sirdar in monthly rated grade. Their existing basic in their respective cadre was taken into consideration into the slab of Technical and supervisory Grade-C as on 30-6-93. Their date of increment were unchanged as in the time rated cadre every year. There are cadre scheme in different grades and categories for promotion of the workmen. When a workman is promoted in the cadre scheme the promotional benefit as one increment of his existing pay scale is added to their basic and his basic pay is fitted in the slab of promoted grade with change in date of increment. But in the case of regularisation only the existing basic pay of the workman concerned is taken to the pay slab of regularised grade without any incremental benefit but their last date of increment is kept unchanged. In the above situation the claim of the concerned workmen is neither legal nor justified.

4. In the rejoinder portion about para 3,4,9 10 to 14 of the W.S. of the concerned workmen it has been said that the same are not correct and relevant and the rest paras are matter of record. Prayer has been made to pass Award holding that the concerned workman are not entitled to get any relief.

5. Points to be Decided

"Whether the demand of the IN MOSSA from the management of Bhurkunda Colliery, M/s. C.C.L. for giving promotional benefits to S/Sri Sanjay Kumar Mandal, Badri Koiry, Shankar Sharma and Sardar Singh upon regularisation as Mining Sirdar is proper and justified? If so, to what relief are the concerned workmen entitled?"

6. Finding With Reasons

In spite of giving several opportunities the concerned workmen neither filed any document nor produced any witness in support of their claim. Onus lies upon them to establish their case which has not been done in the instant case. Accordingly no relief can be granted to the concerned workmen. In the result, the following Award is rendered:—

"The demand of the INMOSSA from the management of Bhurkunda Colliery, M/s. C.C.L. for giving promotional benefits to S/Sri Sanjay Kumar Mandal, Badri Koiry, Shankar Sharma and Sardar Singh upon regularisation as Mining Sirdar is not proper and justified. Consequently, the concerned workmen are not entitled to get any relief."

NAGENDRA KUMAR, Presiding Officer.

नई दिल्ली, 3 जून, 2008

का.आ. 1565.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार मै. सी. सी. एल. के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 40/1999) को प्रकाशित करती है, जो केंद्रीय सरकार को 3-06-08 को प्राप्त हुआ था।

[फा. संख्या-एल-20012/363/1998-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 3rd June, 2008

S.O. 1565.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/1999) of the Central Government Industrial Tribunal-Cum-Labour Court, (No. 1), Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. C.C.L. and their workman, which was received by the Central Government on 3-06-2008.

[F. No. L-20012/363/1998-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of a reference under section (10)(1)(d)
(2A) of the Industrial Disputes Act, 1947

Reference No. 40 of 1999

PARTIES :—Employers in relation to the management of
M/s. CCL, Darbhanga House, Ranchi,

AND

Their Workman

PRESENT : Shri Hari Mangal Singh, Presiding Officer

APPEARANCES:

For the Management : None

For the Union : None

State : Jharkhand

Industry : Coal

Dated 2nd May 2008

AWARD

By Order No. L-20012/363/98-IR (C-I) dated 11-3-1999 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

अनुसूची

“क्या सी. सी. एल. के प्रबंधक द्वारा श्री शंकर कुमार लुई को पदोन्नत किया जाना नियमानुसार एवं कंपनी की मान्य कैडर-स्कीम के अंतर्गत सही है ? यदि नहीं तो, कर्मकार किस राहत के पात्र हैं तथा किस तारीख से ?”

After having received the Order No. L-20012/363/1998-IR (C-I) dt. 11-3-1999 the aforesaid reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 40 of 1999 was registered on 22-3-1999 but till 2-5-2008 no written statement or claim was filed. Ultimately two notices was issued to the sponsoring Union for filing of written statement by speed post/Registered post but till 2-5-2008 no one appears nor any steps have been taken by them.

In view of such circumstance it seems that the workman or the Union is no interested to contest their case further. And as such, it is ordered :—

ORDER

That let a “No Dispute” AWARD be and the same is passed. Send the copies of the Award to the Govt of India, Ministry of Labour and Employment, New Delhi for information and needful. Reference is accordingly disposed off.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 जून, 2008

का.आ. 1566.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार मै. टिस्को के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 43/1999) को प्रकाशित करती है, जो केंद्रीय सरकार को 3-06-08 को प्राप्त हुआ था।

[फा. संख्या-एल-20012/381/1999-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 3rd June, 2008

S.O. 1566.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/1999) of the Central Government Industrial Tribunal-Cum-Labour Court, (No. 1), Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. TISCO and their workmen, which was received by the Central Government on 3-06-2008.

[F. No. L-20012/381/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. I), DHANBAD****In the matter of a reference under section (10)(1) (d)
(2A) of the Industrial Disputes Act, 1947****Reference No. 43 of 1999****PARTIES :—Employers in relation to the management of
Digwadih Colliery of M/s. TISCO****AND****Their Workman****PRESENT : Shri Hari Mangal Singh, Presiding Officer****APPEARANCES:****For the Management : Sri D. K. Verma, Advocate
For the Union : None****State : Jharkhand Industry : Coal****Dated 2nd May 2008****AWARD**

By Order No. L-20012/381/98-IR (C-1) dated 11-3-1999 the Cental Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) sub-section (2A) of Section 10 of the industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

“Whether the action of the management of Digwadih Colliery of M/s. TISCO in dismissing Sri Prabir Kumar Ghosh, Ex-U.G. Munshi from services of the company w.e.f. 16-9-1997 is justified ? If not to what relief the concerned workman is entitled ?”

After having received the Order No. L-20012/381/1998-IR(CI) dated 11-3-1999 the aforesaid reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 43 of 1999 was registered on 22-3-1999 but till 2-5-2008 no written statement or claim was filed. Ultimately two notices was issued to the sponsoring Union for filling of written statement by speed post/Registered post but till 2-5-2008 no one appears nor any steps have been taken by them and two notices issue to the workman concerned was returned undelivered with postal remarks addressee is left.

In view of such circumstance it seems that the workman is not interested to contest their case further. And as such, it is ordered :—

ORDER

That let a “NO DISPUTE” AWARD be and the same is passed. Send the copies of the Award to the Govt of

India, Ministry of Labour and Employment, New Delhi for information and needful. Reference is accordingly disposed off.

H. M. SINGH, Presiding Officer**नई दिल्ली, 3 जून, 2008**

का.आ. 1567.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. I), धनबाद के पंचाट (संदर्भ संख्या 17/1999) को प्रकाशित करती है, जो केंद्रीय सरकार को 3-06-08 को प्राप्त हुआ था।

[फा. संख्या-एल-20012/203/1998-आई आर(सी-1)]**स्नेह लता जवास, डेस्क अधिकारी****New Delhi, the 3rd June, 2008**

S.O. 1567.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/1999) of the Central Government Industrial Tribunal-Cum-Labour Court, (No. I), Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 3-06-2008.

[F. No. L-20012/203/1998-IR(C-1)]**SNEH LATA JAWAS, Desk Officer****ANNEXURE****BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. I), DHANBAD****In the matter of a reference under section (10)(1) (d)
(2A) of the Industrial Disputes Act, 1947****Reference No. 17 of 1999****PARTIES :—Employers in relation to the management of
Kusunda Area of M/s. BCCCL****AND****Their Workman****PRESENT : Shri Hari Mangal Singh, Presiding Officer****APPEARANCES:****For the Management : Sri U. N. Lal, Advocate
For the Union : None****State : Jharkhand Industry : Coal****Dated 2nd May 2008****AWARD**

By Order No. L-20012/203/98-IR (C-1) dated 29-1-1999 the Cental Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of

sub-section (1) sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

"Whether the action of the management of Kusunda Area M/s. BCCL in not accepting the date of Birth of Sri Bhikhi Barhi on the basis of date of birth recorded in Mining Sirdarship certificate issued by the Board of Mining examination on 17-2-83 in the light of implementation instruction 76 dated 25-4-88 is justified ? If not, to what relief the workman is entitled to ?"

After having received the Order No. L-20012/203/1998-IR (C-I) dt. 29-1-1999 the aforesaid reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 17 of 1999 was registered on 8-2-1999 but till 30-4-2008 no written statement or claim was filed. Ultimately two notices was issued to the sponsoring Union for filing of written statement by Speed Post/Registered post but till 30-4-2008 no one appears nor any steps have been taken by them.

In view of such circumstance it seems that the workman or the Union is not interested to contest their case further. And as such, it is ordered :—

ORDER

That let a "NO DISPUTE" Award be and the same is passed. Send the copies of the Award to the Government of India, Ministry of Labour and Employment, New Delhi for information and needful. Reference is accordingly disposed of.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 जून, 2008

का.आ. 1568.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केंद्रीय सरकार मै बी. सी. सी. एल. के प्रबंधन के संबंध निरोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय (सं 1) धनबाद के पंचाट (संदर्भ संख्या 11/1999) को प्रकाशित करती है, जो केंद्रीय सरकार को 3-06-08 प्राप्त हुआ था।

[फा. संख्या एल-20012/216/1998-आई. आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 3rd June, 2008

S.O. 1568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government here by publishes the Award (Ref. No. 11/1999) of Central Government Industrial Tribunal-Cum-

Labour Court, (No. 1) Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 3-06-2008.

[F.No. L-20012/216/1998-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD

In the matter of a reference under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947

Reference No. 11 of 1999

PARTIES :—Employers in relation to the management of Kusunda Area of M/s. BCCL,

AND

Their Workman

PRESENT : Shri Hari Mangal Singh, Presiding Officer

APPEARANCES:

For the Management : Sri U. N. Lal, Advocate
For the Union : None

State : Jharkhand

Industry : Coal

Dated 2nd May, 2008

AWARD

By Order No. L-20012/216/98-IR (C-I) dated 27-1-1999 the Cental Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

"Whether the action of the management of Kusunda Area of M/s. BCCL in superannuating Sri Shashidar Mukherjee, Clerk w.e.f. 7-11-97 without taking in account his date of birth 5-3-1939 is justified ? If not, what relief the workman is entitled to ?"

After having received the Order No. L-20012/216/1998-IR (C-I) dt. 27-1-1999 the aforesaid reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 11 of 1999 was registered on 8-2-1999 but till 30-4-2008 no written statement or claim was filed. Ultimately two notices was issued to the sponsoring Union for filing of written statement by Speed Post/Registered post but till 30-4-2008 no one appears nor any steps have been taken by them.

In view of such circumstance it seems that the workman or the Union is not interested to contest their case further. And as such, it is ordered :—

ORDER

That let a "NO DISPUTE" Award be and the same is passed. Send the copies of the Award to the Government of India, Ministry of Labour and Employment, New Delhi for information and needful. Reference is accordingly disposed of.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 जून, 2008

का.आ. 1569.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार इन्क्यू. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 73/2003) को प्रकाशित करती है, जो केंद्रीय सरकार को 3-06-08 प्राप्त हुआ था।

[फा. संख्या एल-22012/338/1992-आई.आर.(सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd June, 2008

S.O. 1569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/2003) of Central Government Industrial Tribunal-Cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of M/s. Western Coalfields Ltd. and their workmen, which was received by the Central Government on 3-06-2008.

[F. No. L-22012/338/1992-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. 73/2003

Dated 28-05-2008

The Dy. General Secretary,
Koyla Khadan Karmachari Sangh,
Pipla Mines, P.O. Walni,
Distt. Nagpur

Party No. 1

Versus

The Sub Area Manager,
Pipla Group of WCL,
P.O. Pipla Distt. Nagpur

Party No. 2

AWARD

The Central Government after satisfying the Existence of disputes between the Dy. General Secretary,

Koyla Khadan Karmachari Sangh, Pipla Mines, P.O. Walni, Distt. Nagpur Party No. 1 and the Sub Area Manager, Pipla Group of WCL, Party No. 2 referred the same for adjudication to this Tribunal vide its letter No. L-22012/338/1992-IR (C-II) dt. 9-2-1993 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of ID Act with the following schedule.

(2) "Whether the action of the management of WCL, Nagpur for not providing job to Shri Komal M. Deogade, workman from 18-04-1986 to 20-9-1988 is proper and justified ? If not, to what relief the workman concerned is entitled to "

(3) Originally the reference has been transferred from CGIT, Jablapur to this Court. On 30-6-2005 notices were issued on the second time after transfer of it to the parties. The respondent appeared. However the petitioner did not appear despite of it. Finally on 22-2-2008 when the reference was for filing of the affidavit of the petitioner came up on the board but the petitioner or his counsel or the union did not appear and were absent. Sufficient time was given upto February, 2008 but the petitioner did not appear and file his affidavit. Hence the petition is dismissed for default of the petitioner. Hence this Award.

A. N. YADAV, Presiding Officer

नई दिल्ली, 3 जून, 2008

का.आ. 1570.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार इन्क्यू. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 30/2005) को प्रकाशित करती है, जो केंद्रीय सरकार को 3-06-08 प्राप्त हुआ था।

[फा. संख्या एल-22012/99/2004-आई.आर. (सीएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd June, 2008

S.O. 1570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2005) of the Central Government Industrial Tribunal-Cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the Management of Western Coalfields Ltd. and their workmen, received by the Central Government on 3-06-2008.

[F. No. L-22012/99/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. 30/2005

Date 27-05-2008

Sh. G. N. Shah General Secretary,
Koyala Khadan Mazdoor
Panchayat (HMS), P.O. Junnardeo,
Distt. Chhindwara (M.P.)

Party No. 1

Versus

General Manager Western Coalfield
Limited of Pench Area, P.O. Parasia
Distt. Chhindwara.

Party No. 2

AWARD

The Central Government after satisfying the existence of disputes between The General Secretary, Koyala Khadan Mazdoor Panchayat (HMS), P.O. Junnardeo, Distt. Chhindwara (M.P.) Party No. 1 and General Manager Western Coalfield Limited of Pench Area, P.O. Parasia, Distt. Chhindwara, Party No. 2 referred the same for adjudication to this Tribunal vide its letter No. L-22012/99/2004-IR (CM-II) dt. 28-02-2005 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of ID Act with the following schedule :

"Whether the demand of the Koyala Khadan Mazdoor Panchayat from the management of Western Coal Filed Limited Pench Area to correct the date of birth of Smt. Shanti as 1-7-51 as per her matriculation certificate instate of 1-09-49 as recorded at present is just fair and proper ? If so to relief is the workman concerned ?"

The above dispute came for hearing before the Tribunal on 02-04-2008. The parties were present. The petitioner without even filing Statement of Claim filed her affidavit alleging that dispute was raised without her consent by the union she has clearly mentioned that she does not want to proceed with it. She has requested to allow her to withdraw it. Accordingly she was allowed to withdraw it. In such circumstances it is clear that neither the workmen nor their union are at all interested in proceeding with the claim. Hence the reference is withdrawn and no dispute award is passed.

A. N. YADAV, Presiding Officer

नई दिल्ली, 3 जून, 2008

क.आ. 1571.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार स्यूरे आफ इण्डियन स्टैंडर्ड्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण नं. 1 चण्डीगढ़ के पंचाट (संदर्भ संख्या 153/2002) को प्रकाशित करती है, जो केंद्रीय सरकार को 3-06-08 प्राप्त हुआ था।

[फा. संख्या एल-42012/166/2001-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd June, 2008

S.O. 1571.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.153/2002) of Central Government Industrial Tribunal-Cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Bureau of Indian Standards and their workmen, which was received by the Central Government on 3-06-2008.

[F. No. L-42012/166/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDERA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. ID 153/2002

Shri Vir Pal S/o Shri Sohan Lal,
House No. 538, Vikas Nagar,
Mauni Jagran, UT, Chandigarh

Applicant

Versus

(1) The Director General, Bureau of Indian
Standards, 9, Bahadur Shah Zafar Marg,
New Delhi.

(2) The Director, Bureau of India
Standard, Sector-34-A, Chandigarh

Respondent

APPEARANCES

For the workmen Shri D. R. Kainth

For the management Shri G. C. Babbar

AWARD

Passed on 16-5-2008 in Lok Adalat

Central Government vide notification No. L-42012/166/2001/IR (CM-II) dated 6-08-2002 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Director General, Bureau of Indian Standards, New Delhi, and Director, Bureau of Indian Standards, Chandigarh in ordering disengagement/termination of services of Shri Vir Pal S/o Shri Sohan Lal, the workman engaged through contractor who has completed 240 days is legal and justified ? If not to what relief the workman is entitled to and from which date ?"

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with continuity of service with full backwages alongwith 18 per cent interest per annum.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting on 16-5-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal the workman agreed to withdraw his reference. The management also agreed to provide the work to the workman with the contractor as per the policy of the Government. The prescribed authority of the management and the workman during the hearing of this case in pre lok adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed File be consigned to record.

Announced
16-5-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 जून, 2008

का.आ. 1572.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार ब्यूरो आफ इण्डियन स्टैंडर्ड्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 151/2002) को प्रकाशित करती है, जो केंद्रीय सरकार को 3-06-2008 को प्राप्त हुआ था।

[फा. संख्या-एल-42012/164/2001-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 3rd June, 2008

S.O. 1572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 151/2002) of the Central Government Industrial Tribunal-Cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Bureau of Indian Standards, and their workmen, which was received by the Central Government on 3-06-2008.

[F.No. L-42012/164/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDERA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I D 151/2002

Shri Om Parkash, S/o Shri Sant Lal,
House No. 2330, Sector 52,
Chandigarh

Applicant

Versus

(1) The Director General, Bureau of Indian Standards, 9, Bahadur Shah Zafar Marg, New Delhi.

(2) The Director, Bureau of India Standard, Sector-34-A, Chandigarh

Respondent

APPEARANCES

For the workmen Shri D. R. Kainth

For the management Shri G. C. Babbar

AWARD

Passed on 16-5-2008 in Lok Adalat

Central Government vide notification No. L-42012/164/2001/IR (CM-II) dated 6-08-2002 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Director General, Bureau of Indian Standards, New Delhi, and Director, Bureau of Indian Standards, Chandigarh in ordering disengagement/termination of services of Shri Om Parkash S/o Shri Sant Lal, the workman engaged through contractor who has completed 240 days is legal and justified. If not to what relief the workman is entitled to and from which date?"

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with continuity of service with full backwages alongwith 18% interest per annum.

The management turned up and opposes this application

As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat Meeting on 16-5-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw his reference the management also agreed to provide the work to the workman with the contractor as per the policy of the Government. The prescribed authority of the management and the workman during the hearing of this case in pre lok adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed File be consigned to record.

Announced
16-5-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 3 जून, 2008

का.अ. 1573.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार ब्यूरो आफ इण्डियन स्टैंडार्ड्स की प्रवर्तकों के संघर्ष नियोजकों और उनके कार्यकर्ताओं के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 149/2002) को प्रकटित करती है, जो केन्द्रीय सरकार को 03-06-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/162/2001-आईआर(सीएस-II)]

अजय कुमार गौर, डेस्क अधिकारी

New Delhi, the 3rd June, 2008

S.O. 1573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 149/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bureau of Indian Standards, and their workmen, which was received by the Central Government on 03-06-2008.

[F.No. L-42012/162/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT. INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. ID 149/2002

Shri Rukla Ram son of Prem Singh,
House No. 2282, Dada Majra Colony
Sector 38 West, Chandigarh-5.

—Applicant

Versus

(1) The Director General Bureau of
Indian Standards, 9, Bahadur Shah
Zafar Marg, New Delhi

(2) The Director Bureau of Indian Standards
Sector-34-A, Chandigarh

—Respondent

APPEARANCES:

For the workmen Shri D. R. Kaith

For the management Shri G. C. Babbar

AWARD

Passed on 16-5-2008 in Lok Adalat

Central Govt. vide notification No. L-42012/162/2001/
IR (CM-II) dated 6-8-2002 has referred the following
dispute to this Tribunal for adjudication:

"Whether the action of the Director General, Bureau
of Indian Standards, New Delhi, and Director,

Bureau of Indian Standards, Chandigarh in ordering
disengagement/termination of services of Shri Rukla
Ram son of Shri Prem Singh the workman engaged
through contractor who has completed 240 days is
legal and justified? If not to what relief the workman
is entitled to and from which date?"

The present reference was made by the Central Govt.
on the failure of conciliation proceedings for adjudication
of the matter referred in the schedule referred above and
the workman prayed for declaring the action of the man-
agement as illegal and invalid and for reinstatement in ser-
vice with continuity of service with full backwages
alongwith 18% interest per annum.

The management turned up and opposes this appli-
cation.

As per office memorandum dated 30-4-08 this case
was fixed in pre Lok Adalat meeting on 16-5-08 for its dis-
posal by adopting the mediation and conciliation mecha-
nism. With the efforts of the Tribunal the workman agreed
to withdraw his reference. The management also agreed to
provide the work to the workman with the continuance per
the policy of the Govt. The prescribed settlement of the
management and the workman during the hearing of this
case in pre Lok Adalat agreed upon the above mentioned
terms and conditions. It is proposed to dispose of this
reference in Lok Adalat. Accordingly the reference is re-
turned to the Central Govt. as settled in Lok Adalat. Cen-
tral Govt. be informed. File be consigned to record.

Announced
16-05-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 4 जून, 2008

का.अ. 1574.—औद्योगिक विवाद अधिनियम, 1947 (1947
का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार बार्देन रेलवे प्रबंध
तंत्र के संघर्ष नियोजकों और उनके कार्यकर्ताओं के बीच, अनुबंध में
निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,
चण्डीगढ़ नं. 1 के पंचाट (संदर्भ संख्या 143/2000) को प्रकटित
करती है, जो केन्द्रीय सरकार को 04-06-2008 को प्राप्त हुआ था।

[फा. सं. एल-41011/39/1999-आईआर(बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 4th June, 2008

S.O. 1574.—In pursuance of Section 17 of the In-
dustrial Disputes Act, 1947 (14 of 1947) the Central
Government hereby publishes the award (Ref. No. 143/
2000) of the Central Government Industrial Tribunal-cum-
Labour Court No. 1, Chandigarh as shown in the Annexure
in the Industrial Dispute between the management, Northern
Railways, and their workman, which was received by
the Central Government on 04-06-2008.

[F.No. L-41011/39/1999-IR(B-1)]

N. S. BORA, Economic Officer

ANNEXURE

**BEFORE SHRI GYANENDERA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT. INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

CASE No. LD. 143/2000

The Divisional Secretary, Uttar Railway,
Karamchari Union, Ambala Division,
A.C. Kapoor Abata, Ambala Cantt.

—Applicant

Versus

The Divisional Railway Manager,
Northern Railway,
Ambala Cantt. (Haryana)

—Respondent

APPEARANCES:

For the workmen : None

For the management : None

AWARD

Passed on 21-5-2008

Central Govt. vide notification No. L-41011/39/99/IR (B-1) dated 24-03-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Divisional Railway Manager, Northern Railway, Ambala Cantt, in denying the undermentioned demands of Uttar Railway Karamchari Union, Ambala Cantt., is just and legal?"

- (1) 47 workmen of Telecommunication section of Northern Railway, Ambala Cantt. Listed in Annexure A may be given benefits of screening from the year 1980 instead of 23-7-1990.
- (2) Shri Bhajna son of Shri Hari Ram, gangman may be given wages for the period 7-9-84 to 7-2-87.
- (3) Shri Ashok Kumar son of Shri Bai Mukand, gangman may be given wages for the period 7-9-84 to 7-2-87.

If not to what relief the workmen are entitled?"

No one is present on behalf of the parties even after notice by this Tribunal and Union also fails to ensure their presence. Accordingly the reference is returned to the Central Govt. for want of prosecution by the Union. Central Govt. be informed. File be consigned to record.

Announced G. K. SHARMA, Presiding Officer
21-05-08

नई दिल्ली, 4 जून, 2008

स.आ. 1575.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ

इंडिया के प्रबंधात्मक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 205/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-06-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/168/2002-आईआर(बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 4th June, 2008

S.O. 1575.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 205/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India, and their workmen, which was received by the Central Government on 04-06-2008.

[F. No. L-12012/168/2002-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. 205/2002

Date 28-05-2008

Shri Gopal S/o Gendalalji Waghmare,
Sweeper-cum-Waterman, Semadoh
Branch, Distt. Amravati.

Party No. 1

Versus

The Asstt. General Manager,
State Bank of India, Zonal Office,
S.V. Patel Marg, Nagpur-440001

Party No. 2

AWARD

Passed on 21-5-2008

The Central Government after satisfying the existence of disputes between Shri Gopal S/o Gendalalji Waghmare, Sweeper-cum-Waterman, Semadoh Branch, Distt. Amravati, Party No. 1 and The Asstt. General Manager, State Bank of India, Zonal Office, S. V. Patel Marg, Nagpur-440001, Party No. 2 referred the same for adjudication to this Tribunal vide its letter No. L-12012/168/2002-IR(B-I) dt. 22-11-2002 under clause (d) of sub section (1) and sub section (2A) of Section 10 of ID Act with the following schedule.

(2). "Whether the action of the management of State Bank of India, Nagpur in awarding the punishment of dismissal to Shri Gopal Gendalalji Waghmare, Sweeper-cum-Waterman, Branch Semadoh, District Amravati w.e.f. 13-04-2001 is justified? If not, what relief the said workman is entitled to?"

(3). The reference came for hearing on 08-04-2008. The perusal of record shows that the petitioner is not attending the Court from 02-01-2007. Infact both the parties have filed their Statement of Claim and the Written Statement respectively and the case was fixed for the affidavit of the petitioner. However from February, 2007, nobody is appearing for the petitioner and he has not filed any affidavit. The counsel for the respondent finally filed a Pursis requesting to dismiss the reference since the petitioner is not attending the Court. The submissions of the counsel of respondent are correct. Hence it is dismissed for the default of the petitioner. Hence this Award.

A. N. YADAV, Presiding Officer

नई दिल्ली, 4 जून, 2008

क्र.आ. 1576.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध विरोधकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 225/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-06-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/95/2003-आईआर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 4th June, 2008

S.O. 1576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award Ref. No. 225/2003 of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India, and their workmen, which was received by the Central Government on 04-06-2008.

[F. No. L-12012/95/2003-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. 225/2003

Date: 28-05-2008

Shri Sahodri Decosta,
Asstt. Cashier, S.B.I. Main Branch,
Sector-I, Bhilai, Distt. Durg (C.G.)

Party No. 1

Versus

The General Manager,
State Bank of India, Main Branch,
Sector-I, Bhilai, Distt. Durg (C.G.)

Party No. 2

AWARD

The Central Government after satisfying the existence of disputes between Sant. Sahodri Decosta, Asstt. Cashier, S.B.I. Main Branch, Sector-I, Bhilai, Distt. Durg (C.G.), Party No. 1 and the General Manager, State Bank of India, Main Branch, Sector-I, Bhilai, Distt. Durg (C.G.), Party No. 2 referred the same for adjudication to this Tribunal vide its letter No. No. L-12012/95/2003-IR(B-I) dt. 28-08-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of ID Act with the following schedule.

(2) "Whether the action of the management of State Bank of India, in imposing the punishment of stoppage of one increment and non-payment of wages for the period of suspension from 09-04-2000 to 29-06-2000 of Sant. Sahodri Decosta, Assistant Cashier of the Main Branch, Bhilai is proper and justified? If not, what relief is the workman concerned entitled to?"

(3) The petitioner in response to the notice appeared and filed Statement of Claim. Similarly the management has also filed its Written Statement. After filing the documents the reference was fixed for filing an affidavit of the petitioner on 15-06-2006. However the petitioner till 08-04-2008 did not appear and file any affidavit or lead the evidence. It seems that he has no interest because he is not attending the Court and filing the affidavit. Hence the petition is dismissed for the default of the petitioner. The reference stands as dismissed. Hence this Award.

A. N. YADAV, Presiding Officer

नई दिल्ली, 4 जून, 2008

क्र.आ. 1577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध विरोधकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ नं. 1 के पंचाट (संदर्भ संख्या 307/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-06-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/160/2004-आईआर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 4th June, 2008

S.O. 1577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 307/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of State Bank of India, and their workmen, which was received by the Central Government on 04-06-2008.

[F. No. L-12012/160/2004-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

**BEFORE SHRI GYANENDERA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 307/2004

Shri Sat Parkash S/o Hira Lal,
Hargobind Colony, Chanu Wala Road,
Baghapurana, District Moga (Punjab) ... Applicant

Versus

The Assistant General Manager,
State Bank of India, Region-2,
Zonal Office, Ludhiana ... Respondent

APPEARANCES:

For the workman : Shri Raj Kaushik
For the management : Shri Ashok Khullar

AWARD

Passed on 16-5-2008 in Lok Adalat

Central Government vide notification No. L-12012/160/2004/IR(B-I) dated 16-11-2004 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of India in terminating the services of Shri Sat Parkash is legal and justified? If not to what relief the workman is entitled to?"

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with continuity of service with full back wages.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting on 16-5-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal the workman agreed to withdraw his reference. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Announced

16-5-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 जून, 2008

ख.आ. 1578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सलाल हाइड्रो इलेक्ट्रिक प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्रय न्यायालय नं. 1, चण्डीगढ़ के संघट (संदर्भ संख्या 125/89) को प्रकशित करती है, जो केन्द्रीय सरकार को 5-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/138/88-डी-II(बी)]

सुरेंद्र सिंह, डेस्क अधिकारी

New Delhi, the 5th June, 2008

S.O. 1578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 125/89) Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Salal Hydro Electric Project and their workman, which was received by the Central Government on 5-6-2008.

[F. No. L-42012/138/88-D-II(B)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDERA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 125/1989

The General Secretary,
NHPC Staff Association,
SHEP, Jyotipuram ... Applicant

Versus

The Executive Director,
Salal Hydro Elect. Project, Jyotipuram ... Respondent

APPEARANCES

For the workman : Shri I.S. Sidhu, Advocate
For the management : Shri V.K. Gupta

AWARD

Passed on 21-5-2008

The Central Government vide its order No. L-42012/138/88/D.II(B) dated 3rd August, 1989 referred this industrial disputes for judicial adjudication to this Tribunal. The nature of reference, as referred by the Central Government is :—

"Whether the action of the management of Salal Hydro Electric Project, Jyotipuram represented by Executive Director in terminating the services of Sh. Ashwani Kumar, Draftsman w.e.f. 12-3-84 is justified? If not, what relief the workman is entitled to?"

After receiving this reference this Tribunal afforded the opportunity to the workman, Sh. Ashwani Kumar

Chandala, and the Management to present their respective claims and written statements.

The workman alleged in his statement of claim that he proceeded on earned leave duly sanctioned by the Appropriate Authority, from 6-2-84 to 9-3-84 sufficing 10th and 11th of March, 1984. Thereafter, he fell ill and information about his sickness was given to the Prescribed Authority. After facing a long illness, on recovery, he reported to the duty on 30-10-85 along with a Medical Certificate, but the Management refused to take him in duty in ground of unauthorized absent. The Management illegally placed him under suspension on 20-12-85. He was charge-sheeted on 17-1-86 and after holding the enquiry, against the Principle of Natural Justice, was terminated from the service on 16-10-86 w.e.f. 12-3-84. He preferred an appeal against the termination order and his appeal was dismissed on 6-11-86. He was not given an appropriate opportunity of hearing. So many Enquiry Officers were changed without any reason because the Management wanted the enquiry report of its choice. Against his objection, the Enquiry Officer kept on changing. It has also alleged by workman in his statement of claim that the enquiry conducted by the Management and the punishment given to him is illegal and against the Principle of Natural Justice as the enquiry was conducted under the rules not applicable to the workman.

The Management, through the written statement denied all the allegations and alleged that full opportunity of hearing was afforded to the workman. His absence from the duty from 12-2-84 was unauthorized and he was rightly placed under suspension and after holding an enquiry was rightly terminated from the service. The Medical Certificates which were provided by the workman are fictitious, false and have been fabricated just to justify the unauthorized absent.

On the basis of the pleadings of parties, this Tribunal also afforded the opportunity to adduce evidence. Affidavits were filed by both of the parties. Cross-examination was also conducted and after hearing the arguments the file was reserved for award.

Instead of passing the award proceedings vide order dated 27-4-01 passed an order quashing the enquiry proceedings and the report of Enquiry Officer for the reason that it was in violation of the Principle of Natural Justice as conducted under the different set of rules not applicable to the workman. This Tribunal, vide order dated 27-4-01, was also kind enough to hold that enquiry shall be made by this Tribunal. Accordingly both of the parties were directed to submit the list of witnesses and the documents in support of the charge labelled against the workman. This Tribunal specifically directed the Management to prove the misconduct of the workman and it was also ordered that at the appropriate stage the workman shall have the right to submit list of the witnesses and documents in advance.

It will be appropriate to mention that the order dated 27-4-01, passed by this Tribunal is final and acted upon by the parties as such.

Accordingly, the evidence of the parties was recorded afresh and after hearing the arguments the file was reserved once again for the award. The main questions for the determination of this Tribunal are :—

- (1) Whether the workman has committed any misconduct by unauthorized absent for the period from 12-3-84 to 29-10-85?
- (2) Whether the Medical Certificates dated 13-3-84 as given by Doctor Brij Lal Raghunashi and Medical Certificate given by Doctor B.S. Nanda are false and fabricated?
- (3) Whether the Medical Certificates provided by the workman are sufficient to justify the absence of the workman for the period in question?

The learned counsel for the workman has argued that the workman has submitted two Medical Certificates which justified his absence from duty for the alleged period. It was the Management to prove that these Medical Certificates are false and fabricated. The Management has not proved this fact. Thus, in absence of the evidence of the Management for not proving the Medical Certificates to be fictitious, these Medical Certificates shall be considered as genuine and accordingly, the punishment of termination from the service is liable to be quashed. On the other hand, the legal representative of the Management has argued that procedure for extension of leave on medical grounds is very well giving in Certified Standing Orders of the Management and the workman remain absent against the violation of the rules relating to leave and extension of leave. It has also been argued by learned legal representative of the Management that the Medical Certificates provided by the workman to the Management are not genuine being filed against the rules relating to the leaves.

Firstly, I will discuss the two Medical Certificates given by workman to the Management. The first Medical Certificate dated 13-3-86 given by Dr. Brij Lal Raghunashi is as follows—

"I certify that Sh. Ashwani Kumar S/o Mulchand is suffering from fever. He is under my treatment today the 13-3-84. I advice him to take rest up to his recovery".

The another certificate is given by Dr. B.S. Nanda in which he certified that Sh. Ashwani Kumar Chandala was advice medical rest for Lumbago from 15-2-84 to 30-10-85. He is medically fit to resume duties on 31-10-85. The filing of both of these Medical Certificates is admitted to both the parties but their genuineness and contents are disputed. I have gone through the evidence of parties. Considering

the nature of proceedings before this Tribunal, it will not be proper to write down the evidence but to apply the evidence while determining any fact is issue.

After considering the evidence in this regard and considering the nature of Medical Certificates, I am of the view that the certificate of Doctor Brij Lal Raghubanshi dated 13-3-84, lacks on three counts—

- (1) Uncertainty of period for taking rest just for fever, whereas specific period of rest, as per rule, is required to be given.
- (2) For wants of the signature of the workman in the presence of the Doctor.
- (3) Want of proving the genuineness of the certificate by the Doctor.

So far as an another Medical Certificate (in fact it is a Fitness Certificate) is concerned, in the opinion of this tribunal after considering the entire evidence on the record, it lacks on the following counts :—

- (1) The date of issuance of the certificate is not mentioned. It is only declared that Sh. Ashwani Kumar Chandala is fit to resume duty on 31-10-85, whereas, as per the pleadings and the evidence of the workman, he reported to the duty on 30-10-85 itself. Thus, on what date the certificate was issued is not clear.
- (2) For wants of signature of the workman in the presence of the Medical Practitioner.
- (3) From the perusal of this Certificate it is not clear whether Sh. Ashwani Kumar Chandala was under the treatment of this Medical Practitioner Doctor B.S. Nanda for the disease of Lumbago.
- (4) From the Medical Certificate it is evident that the Medical Practitioner who was having expertise in heart and mental diseases advised the workman for the medical rest for Lumbago.
- (5) The genuineness of the certificate has not been proved by the Doctor.
- (6) The workman has not filed any prescription for the advice given by the Doctor or the X-ray plate to justify his say for suffering the Orthopaedic disease.

It is the duty of this Tribunal to discuss on the burden of proof regarding the genuineness of these documents. It is true that vide order dated 27-4-01, the Management was directed by this Tribunal to prove the misconduct of the workman on the ground of unauthorized absent. The period of absent is admitted to both of the parties that Sh. Ashwani Kumar was absent for the alleged period. To prove his absence as bonafide, he has moved two Medical Certificates for the overlapping period claiming for suffering

an Orthopaedic diseases named as Lumbago, the disease of the backbone.

He has not filed any prescription for the advice given by the Doctor or the X-ray plate to justify his say for suffering the Orthopaedic disease.

It is true that the Management has to prove the misconduct for unauthorized absent but when the absent from the service for a long time (about 600 days) is admitted and the certificates filed by the workman are challenged on the ground of genuineness, it becomes the duty of the workman to show the circumstances which compelled him to remain absent from the duty. The compelling circumstances to remain absent are the special facts within the knowledge of the workman and certainly workman has to satisfy the Tribunal, about the reasons for not joining the duty. In the opinion of this Tribunal, it will not be proper to direct the Management to prove those special circumstances, which compelled the workman to remain absent from the duty and are within the knowledge of the workman. Once the Management disputed the genuineness and authenticity of the Medical Certificates, it was the duty of the workman and it was open to the workman to prove that the Certificates he has filed are genuine and the remain absent from the duty for a reasonable and bonafide cause.

Furthermore, this Tribunal has also to determine whether these two certificates are sufficient to extend the leave/or go for the medical leave as per the rules. It is admitted to both of the parties that the Certified Standing Orders apply for regulation of leave. I will like to mention rule 16.1 regarding nature of leave, which is as follows :—

“Leave cannot be claimed as a matter of right. The sanctioning authority shall have the discretion to refuse, revoke and curtail leave at anytime depending upon the exigencies of work, even though the leave has been sanctioned and the workman has proceeded on leave”.

This shows that the leave cannot be taken as an absolute right and are subjected to the discretion of the sanctioning authority. Rule 16.6 of Certified Standing Orders is as follows :—

“In case of leave on medical grounds, a workman shall submit along with the leave application a certificate from the Medical Officer Incharge of the Project. If there is no Medical Officer Incharge, the Certificate of a Government Doctor/Registered Medical Practitioner will also be accepted. In case the workman happens to be outside, he can submit a certificate from Medical Officer Incharge of Government Dispensary/Hospital of that place. If there is no such Government hospital/Dispensary, he may produce a certificate from Registered Medical Practitioner. The Management may, in its discretion, ask the workman to get himself examined from any other doctor.”

Rule 16.7 is regarding the extension of leave on medical grounds which reads as under :—

"If extension of leave is applied on medical grounds and the workman is away from headquarter during the leave, he shall submit his application alongwith the Medical Certificate from the Medical Officer of a Government Dispensary or Hospital or a Registered Medical Practitioner. The Medical Certificate must always specify the day for which extension is recommended. In such cases, the management will have the right to require the workman to submit himself for examination by a Civil Surgeon and submit a sickness certificate from the Civil Surgeon within specified period. The expenses incurred in making fees and traveling shall be reimbursed to the workman by the Management. Failure on the part of the workman to comply with these instructions will result in the workman being treated absent without permission."

If the above rules are applied in the present case, it is clear that the workman was on sanctioned earned leave from 6-2-84 to 9-3-84 with permission to affix the holidays which were 10th and 11th of March, 1984. Thereafter, as admitted to the management he sends some telegrams regarding extension of leave on medical grounds. These documents are on record and admittedly have been send by the brother of the workman and not by him personally. Whereas, Rule 16.7 requires a special procedure to be followed for getting the leave extended. It also requires a Medical Certificate of a particular Medical Officer which was not provided by the workman. The workman, in spite of the opportunity afforded by this Tribunal has also not shown the circumstances under which he could not file a Medical Certificate of a particular Medical Officer and in a particular manner as required by Rule 16.7.

It is the duty of the Tribunal to implement the scheme of the Industrial Disputes Act, 1947, which is very well clear from the Objects and Reasons of the Act. The scheme of the Act is for making provision for the investigation and settlement of industrial disputes and for certain other purposes. Certain other purposes, in my opinion, includes to protect the interest of the workman against the arbitrary and illegal actions of the Management. But the scheme, on the other hand, never protects the illegal actions and the misconduct of the workman. As per the Principle of Natural Justice also no benefit should be given to the party for his own wrong.

On perusal on the entire records, it is evident that the workman was permitted by the Prescribe Authority to remain on leave up to 11-3-84. Thereafter, if the workman wanted the extension of leave, he should have applied through the rules applicable to the parties. If he was unable to apply through the procedure mentioned in the rules, he must have proved before this Tribunal the compelling circumstances under which he applied for the extension of

leave in different mode then mentioned in the rules. From the evidence of the workman, no such circumstances have been proved. Thus, the telegrams, the simple document send by the workman, no doubt can be treated as an application under the compelling circumstances, are not sufficient for the extension of leaves under the circumstances of this case.

As the entire enquiry has been quashed by the Tribunal it is not proper to go behind to discuss the charge-sheet and other part of the enquiry proceedings. This Tribunal has conducted the enquiry itself. So, it will be proper to go through the evidence and the relevant documents placed before this Tribunal after order dated 27-4-01. But this Tribunal is at liberty to look into the circumstances which are not the part of the enquiry proceedings, and are beyond the period of order dated 27-4-01. There is sufficient material on record that even before initiating the enquiry, the Management afforded the opportunity to the workman to join the office. Letters dated 23-4-84 and 28-8-85 which are said to be sent by registered post to the workman by Management and the copy of the postal receipts and the copy of the relevant register having the entry of these letters are also on record, proved that management afforded the opportunity to join the office to the workman. Thus, the workman was afforded the opportunity to join the service or to show the compelling circumstances for not joining the office, but he failed. Apart from it, adequate opportunity by this Tribunal was given to the workman to prove the compelling circumstances preventing him to join the duty, but he failed to prove any circumstances.

It is true that this Tribunal has to confine itself for this case only, but I will not hesitate to mention that discipline and work culture are the backbone of any organization. It is duty of every workman/official/officer to maintain the discipline and be loyal for the work deputed to him. It will be the real service to the people of India.

Thus, for the reasons mentioned below, I am of the view that there is no justification for the absence of the workman from his duty from the period 12-3-84 to 30-10-85 :—

- (1) The workman has not applied for the extension of leave as per rules applicable to him.
- (2) The workman has utterly failed to show and prove the circumstances compelling for his absence from the duty for the period in question.
- (3) The Medical Certificate provided by the workman, as stated earlier, are not genuine and cannot be treated as the compelling circumstances for the workman to justify his absence from the duty for the period in question.

- (4) No medical prescription has been filed by the workman to show that he was suffering with such a disease which prevents him to join the duty.
- (5) Being a Government servant he has got a right to get his expenses incurred on his treatment reimbursed from the Management. But as per the evidence, he has not even apply for reimburse meant of the medical claim. Rule 25 of Medical Attendance Rules of the corporation prescribe the procedure for reimbursement of the medical claim. It is beyond my imagination that the workman who is suffering from the disease like Lumbago, is treated for a long time (about 600 days) but he is not having any prescription relating to his diagnosis and treatment. Moreover, in a natural cause, a man of prudent who is a workman will certainly claim the amount incurred by him on his treatment from the Management.
- (6) Surprisingly, a Doctor who is not specialist in the disease Lumbago has treated the workman at his risk. Dr. Nanda, specialist in Mental and Heart disease has giving a certificate regarding the Lumbago disease to the workman. Moreover, certificate given by Dr. Nanda is just a fitness certificate and not for the extension of the leave or for permitting the workman to remain absent for the period in question.

The above circumstances are sufficient to prove that the workman remain absent from duty from 12-3-84 to 30-10-85 without the authority of law. Accordingly, in the said period his absent was unauthorized which is a misconduct. On the basis of above observation alone, the misconduct is proved. Moreover, one more circumstance exists before this Tribunal which is shown by the letter of S.S.P. of Ropar that the workman also visited abroad for few days. The Management could not collect the material showing his visit to the abroad without permission. But the letter of Superintendent of Police cannot be ignored at all in which he has mentioned that through secret information it is certain that the workman has visited a Foreign Nation for few days. It is another circumstance which add to prove the misconduct of a workman who was willfully absent from the duty and has visited abroad.

Accordingly the misconduct of the workman is proved in the enquiry conducted by the Tribunal.

Now, I have an occasion to discuss, about the punishment required to be given to the workman. At the cost of repetition, this Tribunal vide order dated 27-4-01 has quashed the enquiry and the enquiry proceedings which includes the punishment given to the workman. I am not discussing the consequences of the order but discussing afresh about the punishment to be given to the

workman. In my view the punishment to the workman, on applying the scheme of the Industrial Disputes Act, 1947, depends on the following factors :—

- (1) The nature of misconduct committed and proved.
- (2) The circumstances under which the misconduct was committed.
- (3) The affect of misconduct on the discipline and work culture of the organization.
- (4) Last, but not the least expectations of the people from the workman of the Central Government.

If the above factors are taking into consideration for the misconduct committed by the workman, I am of the view that for more than 600 days the workman remains absent from the office unauthorizedly which is in my opinion a misconduct of highest degree.

The opening words of the Preamble of the Constitution of India — “We the people” indicates that every workman has some accountability toward the people of India. The minimum expectation of the people is that every workman, except in the exceptional circumstances must work in the office. Absent from work almost 600 days without any reason is in violation of aspiration of the people of India affecting the discipline and work culture of the organization.

Thus, there should be no leniency in awarding punishment to the non-functional workman who absented for almost 600 days from the office without any cause. After considering the facts and circumstances of the case and going through the provisions of law as propounded by Hon'ble Apex Court and the High Courts in this regard, I am of the view that only justifiable punishment to the workman is his termination from the service.

Accordingly, for the reasons mentioned above, this Tribunal ordered the termination from the service of the workman from the date of unauthorized absent.

Let the reference be returned to the Central Government as disposed off after affording the opportunity of being heard to the parties. Central Government be informed accordingly. Consign the record.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 5 जून, 2008

क्र.आ. 1579.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/ग्राम न्यायालय भीलवाड़ा के पंचाट (संदर्भ संख्या 171/01) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-40012/99/2001-आई आर.(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 5th June, 2008

S.O. 1579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Bhilwara as shown in the Annexure in the industrial dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 5-6-2008.

[F.No.L-40012/99/2001-IR(DU)]

SURENDRA SINGH, Desk Officer

अनुमन्त्र

श्रम न्यायालय, भीलवाड़ा (राज.)

पीठासीन अधिकारी-सुश्री उषा अग्रवाल, आर.एच.जे.एस.

श्रम विवाद प्रकरण संख्या : 171/01

श्री रफीक खान पठान पुत्र श्री कमरुद्दीन पठान

निवासी-बनेड़ा, जिला-भीलवाड़ा

...प्राथी/श्रमिक

बनाम

अधीक्षक, पोस्ट आफिस, भीलवाड़ा डिवीजन,

भीलवाड़ा

...विपक्षी/नियोजक

उपस्थित

श्री आर.सी. चैचाणी, अधिवक्ता

-प्राथी की ओर से

श्री सी.पी. तिवारी, अधिवक्ता

-विपक्षी की ओर से

पंचाट

दिनांक 10-4-08

1. भारत सरकार के श्रम मंत्रालय द्वारा आदेश दिनांक 28-6-01 के तहत औद्योगिक विवाद अधि. 1947 की धारा 10(1)(ग) के तहत निम्न विवाद इस न्यायालय को अधिनिर्णयार्थ प्रेषित किया गया :-

"Whether the action of the Supdt. Post Office, Bhilwara Division, Bhilwara in terminating the service of Sh. Rafeeq Khan Pathan S/o Sh. Kamruddin Pathan w.e.f. 2-2-2000 is legal and justified? If not what relief the workman concern is entitled to?"

2. उपर्युक्तानुसार विवाद दिनांक 1-8-01 को प्राप्त होने पर क्रम सं. 171/01 पर दर्ज हुआ तथा पक्षकारान को सूचित किया गया।

3. इस प्रकरण का निस्तारण इस न्यायालय द्वारा पंचाट दिनांक 31-12-04 से कर दिया गया था, लेकिन माननीय राज. उच्च न्यायालय जोधपुर ने आदेश दिनांक 11-9-06 में निर्देश दिया कि रेफरेन्स में सेवा पृथक्करण दिनांक 2-2-2000 के स्थान पर दिनांक 7-2-2000 प्रतिस्थापित कर रेफरेन्स को नये सिरे से निर्णित किया जाये-जिस पर इस न्यायालय द्वारा प्रकरण की पुनः सुनवाई की गई।

4. प्राथी श्रमिक की ओर से दिनांक 18-1-07 को संशोधित स्टेटमेंट आफ क्लेम प्रस्तुत कर प्रकट किया गया कि प्राथी ने विपक्षी

के अधीन वायरमेन के पद पर आउट साईडर बालेसरिया (बी.ओ. रायला ग्राम) में दिनांक 2-2-98 से 7-2-2000 तक निरंतर एवं नियमित रूप से कार्य किया। प्राथी श्रमिक ने प्रत्येक कलेंडर वर्ष में 240 दिन से अधिक कार्य दिवसों तक विपक्षी के अधीन कार्य किया। इस प्रकार धारा 25(बी) के तहत बसका नियमित नियोजन रहा है। दिनांक 7-2-2000 के बाद से उसे कार्य पर लेने से इनकार कर दिया तथा बिना कोई जांच कार्यवाही सौस्थित किये, बिना कोई कारण बताये प्राथी को सेवा पृथक् कर दिया। इस प्रकार विपक्षी ने औद्योगिक विवाद अधिनियम एवं उसके अंतर्गत आज्ञापक प्रावधानों की पालना नहीं की। प्राथी श्रमिक के स्थान पर विपक्षी ने अन्य को नौकरी में रख रखा है। दिनांक 7-2-2000 को अन्य व्यक्ति का चयन कर नियुक्ति प्रदान की गई जो अवैध होकर शून्य है। प्राथी का यह भी कथन है कि वह सेवा समाप्ति के बाद से ही बेरोजगार घेला आ रहा है। प्राथी श्रमिक ने समस्त बेतन परिलाभों सहित पुनः पूर्व पद पर नियोजित करवाने की प्रार्थना की।

5. दिनांक 22-3-07 को विपक्षी नियोजक की ओर से जवाब प्रस्तुत कर प्रकट किया गया कि विपक्षी विभाग में दो तरह के कर्मचारी नियोजित हैं-1. विभागीय कर्मचारी 2. ग्रामीण डाक सेवक। ग्रामीण डाक सेवक नियमित केन्द्रीय कर्मचारी न होकर केवल अंशकालीन तौर पर लगाये जाते हैं। इन दोनों तरह के कर्मचारियों के लिए अलग-अलग सेवा नियमावली उपलब्ध है। प्राथी को विभिन्न समयावधि में विभिन्न पदों पर विभिन्न यूनिट इंचार्ज के अधीन वैकल्पिक व्यवस्था के तौर पर तथा कार्यरत कर्मचारियों के अवकाश के दौरान डाक व्यवस्था बनाये रखने के लिए लगाया गया। जिसके भत्तों के भुगतान की स्वीकृति विभिन्न अंतरालों में जारी की गई थी। प्राथी को मात्र अल्पकालीन रिक्ति पर डाक व्यवस्था सुचारु बनाये रखने के लिए लगाया गया था जिसका शिवरण निम्न है।

अ. भीलवाड़ा मुख्य डाक घर में डाकपाल के अधीनस्थ दिनांक 10-2-98 से 23-10-98 तक प्राथी को आउट साईडर वायरमेन के पद पर लगाया गया।

ब. श्री सरदार सिंह, डाक बाहक लेबर कालोनी भीलवाड़ा के द्वारा दिनांक 10-11-98 से छुट्टी का आवेदन किया तथा प्राथी को एवजी के रूप में श्री सरदार सिंह की जिम्मेदारी पर निरीक्षक, डाकघर पूर्व भीलवाड़ा द्वारा दिनांक 14-6-99 तक लगाया गया।

स. दिनांक 25-6-99 से 27-6-99 तक श्री समनाथ सिंह, ग्रुप ६ कर्मचारी, भीलवाड़ा कोर्ट के आकस्मिक अवकाश पर जाने से इनकी जगह पर प्राथी ने एवजी के तौर पर कार्य किया। जिसके यूनिट इंचार्ज सहायक अधीक्षक, डाकघर पश्चिम भीलवाड़ा थे।

द. इसी प्रकार दिनांक 5-7-99 से 7-2-2000 तक शाख डाकपाल बालेसरिया (रायला गांव) की मृत्यु हो जाने से प्राथी को काम चलाऊ व्यवस्था के तौर पर अस्थायी रूप से लगाया गया। अविभागीय शाखा डाकपालन के पद की पूर्ति हेतु आवेदन मांगे गये थे। जिसमें प्राथी ने भी आवेदन किया, लेकिन प्राथी उपयुक्त नहीं पाया गया तथा वहां उपयुक्त एवं योग्य आदमी को लगाया गया। प्राथी श्रमिक ने दिनांक 10-2-98 से 7-2-2000 तक निरंतर कार्य नहीं

किया, बल्कि इन्होंने विभिन्न समय में अलग-अलग यूनिट इंचार्ज के अधीन डाक व्यवस्था बनाये रखने के लिए आवश्यकतानुसार कार्य किया था। प्रार्थी ने विभिन्न समयावधि में विभिन्न पदों पर भिन्न-भिन्न यूनिट प्रभारी के अधीन निम्न कार्य किया।

अ. दिनांक 10-2-98 से 23-10-98 तक आऊट साईडर वायरमैन भीलवाड़ा मुख्य डाकघर के पद पर कार्य किया।

ब. दिनांक 10-11-98 से 14-6-99 तक जोड़ीएस एम सी लेबर कोलोनी (भीलवाड़ा) के पद पर छुट्टी व्यवस्था में ऐवजी के तौर पर कार्य किया।

स. दिनांक 25-6-99 से 27-6-99 तक गुप द भीलवाड़ा कोर्ट के पद पर छुट्टी व्यवस्था के दौरान कार्य किया।

द. ग्रामीण डाक सेवक शाखा डाकपाल बालेसरिया (रायला गांव) की मृत्यु के कारण दिनांक 5-7-99 से 7-2-2000 तक डाक व्यवस्था बनाये रखने के लिए वैकल्पिक व्यवस्था के तौर पर कार्य किया।

उपरोक्तानुसार प्रार्थी ने किसी भी पद पर निरंतर रूप से एक ही यूनिट इंचार्ज के अधीन 240 दिन तक निरंतर कार्य नहीं किया। सभी पदों पर अलग-अलग नियमावली सेवा शर्तें लागू हैं। अतः प्रार्थी धारा 25(बी) के अनुसार कोई लाभ प्राप्त करने का अधिकारी नहीं है। माननीय उच्चतम न्यायालय द्वारा प्रकरण सं. सिविल अपील सं. 3385/86 1996 एसएलपी 587-588 वर्ष 1992 में दिये गये निर्णय के अनुसार डाक विभाग में कार्यरत कर्मचारी औद्योगिक विवाद अधि. के तहत नहीं आते हैं। प्रार्थी को किसी पद पर नियुक्त नहीं किया गया था, अतः एक माह का नोटिस अथवा वेतन भत्तों का भुगतान मुआवजा आदि देने का कोई प्रावधान नहीं है। प्रार्थी ने दिनांक 10-2-98 से 7-2-2000 तक विभिन्न पदों पर अवकाश अवधि में वैकल्पिक तौर पर एवजी के रूप में डाक व्यवस्था को सुचारु बनाये रखने के लिए विभिन्न यूनिट इंचार्ज के अधीन अंशकालीन बतौर कार्य किया था, अतः उनका किसी पद पर नियुक्ति का अधिकार नहीं बनता है। माननीय कर्नाटक उच्च न्यायालय के रिट पिटीशन नं. 21331-333/2000 में दिनांक 18-8-01 को दिये निर्णय के अनुसार अवकाश अवधि के दौरान अथवा अंशकालीन डाक व्यवस्था बनाये रखने हेतु बाह्य व्यक्ति नियुक्ति का अधिकारी नहीं है। बालेसरिया (रायला गांव) ईडीबी पीएम पद के लिए अन्य के अलावा प्रार्थी का भी आवेदन प्राप्त हुआ, लेकिन प्रार्थी का उक्त पद पर चयन नहीं होने से प्रार्थी ने न्यायालय में बाद दायर कर दिया। प्रार्थी से योग्य व्यक्ति उपलब्ध होने से उसे नियुक्ति दे दी गई। योग्य एवं उपयुक्त व्यक्ति को ईडीबीपीएम पद पर दिनांक 8-2-2000 को नियुक्ति दे दी गई। जो नियमित रूप से कार्य कर रहा है। प्रार्थी श्रमिक का स्टेटमेंट आफ क्लेम निम्न तः की प्रार्थना की गई।

6. दिनांक 23-5-07 की आदेशिका के अनुसार प्रार्थी के अधिकारता ने अस्ति किया कि प्रार्थी के पूर्व के बयानों की अंगीकार करते हैं। तथा और कोई साक्ष्य पेश नहीं करना चाहते। प्रार्थी की साक्ष्य के खंडन में विपक्षी की ओर से मोहम्मद हनीफ का शपथ पत्र पेश किया गया। जिससे प्रार्थी की ओर से जिरह की गई।

7. यह स उभयपक्ष हुनी। उभयपक्ष की ओर से लिखित बहस भी पेश की गई। पत्रावली का ध्यानपूर्वक अवलोकन किया गया।

8. प्रार्थी द्वारा दिनांक 31-12-03 को साक्ष्य स्वरूप अपना शपथ पत्र प्रस्तुत किया था। जिसमें उल्लेख किया गया कि 2-2-98 से प्रार्थी ने विपक्षी के यहां वायरमैन के पद पर कार्य किया। उसने 2-2-98 से 2-2-2000 तक निरंतर एवं नियमित रूप से कार्य किया। विपक्षी नियोजक ने दिनांक 2-2-2000 के बाद से बिना किसी समुचित कारण के प्रार्थी को ड्यूटी पर रखने से इनकार कर दिया। विपक्षी ने ऐसा करने से पूर्व उसे एक माह का सूचना पत्र अथवा इसके एवज में एक माह के वेतन की राशि अदा नहीं की। विपक्षी ने छंटनी मुआवजा राशि भी अदा नहीं की। प्रार्थी का शपथपत्र में यह भी कथन है कि उसने वायरमैन पद के कार्य के अतिरिक्त मेंपिओन व ई.डी. (डाक वाहक) तथा ब्रांच पोस्ट मास्टर के पद के कार्य विपक्षी नियोजक के आदेशानुसार संपादित किये। विपक्षी ने मुझे सेवा से हटाने के बाद उक्त पद पर अन्य व्यक्तियों को कार्य पर रख लिया किन्तु मुझे सेवा का कोई अवसर प्रदान नहीं किया। विपक्षी के द्वारा सेवा पृथक् करने के बाद से मैं बेरोजगार चला आ रहा हूं तथा मुझे कोई लाभपूर्ण नियोजन प्राप्त नहीं हुआ। मेरी उपरोक्त वर्णित सेवा अवधि में मुझे प्रार्थी से जित जित पदों का कार्य कराया वे सभी विपक्षी के यहां स्थायी प्रकृति के कार्य हैं तथा पद रिक्त होने से विपक्षी ने मुझे प्रार्थी से उपरोक्त पदों पर नियुक्त कर कार्य लिया। विपक्षी ने उनको यहां नियुक्ति हेतु उसे सर्वप्रथम जो पत्र भेजा उसकी प्रति प्रदर्श 1 है। इसके आधार पर मुझे शाखा पोस्ट मास्टर के पद पर नियुक्त नहीं कर वायरमैन के पद पर कार्य हेतु रखा-जिसके लिए विपक्षी ने मुझसे एक प्रार्थना पत्र लिखवा कर लिया-जिसकी प्रति प्रदर्श 2 है। मेरी सेवा अवधि के दौरान विपक्षी द्वारा आदेशित विभिन्न कार्यों के लिए समय-समय पर सामान उपलब्ध कराने की आवश्यकता हुई-जिसके लिए मैंने विपक्षी को लिखित में प्रार्थना पत्र दिये व उन पर विपक्षी की ओर से स्वीकृति प्रदान की गई तथा कई मर्तबा विपक्षी ने लिखित में आदेश देकर मुझे प्रार्थी से कार्य संपादित कराये। ऐसे पत्रों, आदेशों व स्वीकृतियों की प्रतियां प्रदर्श 3 से प्रदर्श 16 है। मेरे कार्य से विपक्षी अथवा अन्य अधिकारियों अथवा सहकर्मियों को कभी भी किसी तरह की शिकायत नहीं हुई। दिनांक 2-2-98 से 26-10-98 तक आऊट साईडर वायरमैन के अच्छे कार्य बाबत विपक्षी द्वारा दिया गया प्रमाणपत्र प्रदर्श 17 है। दिनांक 10-11-98 से 14-6-99 तक डाक वाहक लेबर कोलोनी, भीलवाड़ा के पद पर तथा दिनांक 25-6-99 से 28-6-99 तक गुप डी भीलवाड़ा कोर्ट डाकघर में आऊट साईडर के पद पर तथा दिनांक 5-7-99 से 7-2-2000 तक अविभागीय शाखा पोस्ट मास्टर बालेसरिया के पद पर कार्य कराना विपक्षी ने अपने जवाब में स्वीकार किया है। विपक्षी ने औद्योगिक विवाद अधि. के आदेशात्मक प्रावधानों को पहला किये बिना मुझे सेवा से पृथक् किया है। ऐसी स्थिति में मैं अपने पूर्व पद पर समस्त लाभ सहित पूर्व सेवा की निरंतरता में पुनः नियोजित होने का अधिकारी हूं। विपक्षी द्वारा दिनांक 18-5-2004 को प्रार्थी से जिरह की गई। जिरह में प्रार्थी का कथन है कि मैंने दिनांक 2-2-98 से 2-2-2000 तक हेड पोस्ट ऑफिस में कार्य किया। यह गलत है कि मुझे अस्थायी तौर पर

वैकल्पिक आधार पर रखा हो। मुझे प्रार्थना पत्र लेकर स्थायी रखा था। मुझे रखा तब पोस्ट थी। विभाग में अभी वायरमेन की पोस्ट है या नहीं मुझे पता नहीं। मुझसे वायरमेन से हटाने के बाद मेन पिओन व डाक वाहक का कार्य करवाया था। यह गलत है कि उक्त कार्य विभाग में टेम्पेरी आदमी करते हों। मैं वायरमेन पद से हटाने के बाद दूसरे काम पर बाहर गया। मैंने अधिकारी के आदेश की पालना की इस लिए वायरमेन के अलावा अन्य कार्य भी किया।

9. विपक्षी की ओर से मोहम्मद हनीफ पुत्र श्री नूर मोहम्मद, अधीक्षक, डाकघर, भीलवाड़ा एवं मामला प्रभारी अधिकारी ने साक्ष्य स्वरूप दिनांक 6-6-07 को शपथपत्र प्रस्तुत कर बयान किया कि भारत सरकार के डाक विभाग में दो तरह के कर्मचारी नियोजित हैं—पहला, विभागीय कर्मचारी व दूसरा, ग्रामीण डाक सेवक। ग्रामीण डाक सेवक नियमित केन्द्रीय कर्मचारी न होकर केवल अंशकालीन तौर पर लगाये जाते हैं। इन दोनों तरह के कर्मचारियों के लिए अलग-अलग सेवा नियमावली उपलब्ध है। प्रार्थी रफीक खाँ पठान को विभिन्न समयवधि में विभिन्न पदों पर विभिन्न यूनिट इंचार्ज के अधीन वैकल्पिक व्यवस्था के तौर पर तथाकथित कर्मचारियों के अवकाश के दौरान डाक व्यवस्था बनाये रखने के लिए लगाया गया जिसके फल के मुताबिक स्वीकृति विभिन्न अंतरालों में जारी की गई थी। प्रार्थी को केवल अल्पकालीन रिक्ति पर आवश्यकतानुसार डाक व्यवस्था सुचारु बनाये रखने हेतु लगाया गया था—जो कि नियमित रूप से नहीं लगाया गया था—जिसका विवरण निम्न है—

(अ) भीलवाड़ा मुख्य डाकघर में डाकपाल के अधिनस्थ दिनांक 10-2-98 से 23-10-98 तक प्रार्थी को आउट साईडर वायरमेन के पद पर लगाया गया।

(ब) सरदार सिंह डाक वाहक लेबर कोलोनी, भीलवाड़ा के द्वारा दिनांक 10-11-98 से छुट्टी का आवेदन किया तथा प्रार्थी को एक्जी के रूप में सरदार सिंह की जिम्मेदारी पर निरीक्षक डाकघर पूर्व, भीलवाड़ा द्वारा दिनांक 14-6-99 तक लगाया गया।

(स) दिनांक 25-6-99 से 27-6-99 तक श्री रामनाथ सिंह, ग्रुप द कर्मचारी भीलवाड़ा कोर्ट के आकस्मिक अवकाश पर जाने से इनकी जगह पर प्रार्थी ने एक्जी तौर पर कार्य किया—जिसके यूनिट इंचार्ज सहायक अधीक्षक डाकघर पश्चिम, भीलवाड़ा थे।

(द) इसी प्रकार दिनांक 5-7-99 से 7-2-2000 तक शाखा डाकपाल बालेसरिया की मृत्यु हो जाने से प्रार्थी को काम चलाक व्यवस्था के तौर पर अस्थायी रूप से लगाया गया अविभागीय शाखा डाकपाल के पद की पूर्ति हेतु आवेदन मांगे गये थे—जिसमें प्रार्थी ने भी आवेदन किया, लेकिन प्रार्थी उपयुक्त नहीं पाया गया। वहाँ उपयुक्त एवं योग्य आदमी को लगाना गया। इस प्रकार प्रार्थी ने दिनांक 10-2-98 से 7-2-2000 तक निरंतर कार्य नहीं किया बल्कि इन्होंने विभिन्न समय में अलग-अलग यूनिट इंचार्ज के अधीन डाक व्यवस्था बनाये रखने के लिए आवश्यकतानुसार कार्य किया था। प्रार्थी ने विभिन्न समयवधि में विभिन्न यूनिट प्रभारी के अधीन निम्नानुसार कार्य किया—

(अ) दिनांक 10-2-98 से 23-10-98 तक आउट साईडर वायरमेन भीलवाड़ा मुख्य डाक घर के पद पर कार्य किया।

(ब) दिनांक 10-11-98 से 14-6-99 तक जोडीएस एम सी लेबर कोलोनी, भीलवाड़ा के पद पर छुट्टी व्यवस्था में एक्जी के तौर पर कार्य किया।

(स) दिनांक 25-6-99 से 27-6-99 तक ग्रुप द भीलवाड़ा कोर्ट के पद पर छुट्टी व्यवस्था के दौरान कार्य किया।

(द) ग्रामीण डाक सेवक शाखा डाकपाल बालेसरिया की मृत्यु के कारण दिनांक 5-7-99 से 7-2-2000 तक डाक व्यवस्था बनाये रखने के लिए वैकल्पिक व्यवस्था के तौर पर कार्य किया।

उपरोक्तानुसार किसी भी पद पर निरंतर रूप से एक ही यूनिट इंचार्ज के अधीन 240 दिन तक लगातार कार्य नहीं किया। सभी पदों पर अलग-अलग नियमावली सेवा शर्तें लागू हैं, अतः प्रार्थी धारा 25 (बी) औद्योगिक विवाद अधि. के अनुसार किसी प्रकार का कोई लाभ प्राप्त करने का अधिकारी नहीं है। सर्वोच्च न्यायालय प्र. सं. सिविल अपील सं. 3385-86/96 एसएलपी 587-588/1992 के निर्णय के आधार पर डाक विभाग में कार्यरत कर्मचारी औद्योगिक विवाद अधि. के तहत नहीं आते हैं। प्रार्थी को किसी पद पर नियुक्त नहीं किया गया था, अतः एक माह का नोटिस अथवा वेतन पत्रों का भुगतान मुआवजा आदि देने का कोई प्रावधान नहीं है। चूँकि प्रार्थी 10-2-98 से 7-2-2000 तक विभिन्न पदों पर अवकाश अवधि में वैकल्पिक व्यवस्था के तौर पर एक्जी के रूप में डाक व्यवस्था को सुचारु रूप से बनाये रखने हेतु विभिन्न यूनिट इंचार्ज के अधीन अंशकालीन तौर पर कार्य किया था, अतः इनका किसी पद पर नियुक्ति का अधिकार नहीं बनता है। विपक्षी गवाह का शपथपत्र में यह भी कथन है कि बालेसरिया ईडीबीपीएम पद के लिए अन्य के अलावा प्रार्थी का भी आवेदन प्राप्त हुआ, लेकिन प्रार्थी का उक्त पद के लिए चयन नहीं होने से प्रार्थी द्वारा बाद में प्रकरण न्यायालय में दर्ज करा दिया गया, जबकि इनके योग्य एवं उपयुक्त व्यक्ति उपलब्ध था। इस लिए योग्य एवं उपयुक्त व्यक्ति का चयन कर उसे नियुक्ति दी गई। योग्य एवं उपयुक्त व्यक्ति को ई डी बी पी एम पद पर नियुक्ति दिनांक 8-2-2000 को दी गई जो कि उक्त पद पर नियुक्ति रूप से कार्य कर रहा है। प्रार्थी से विभिन्न रिक्त पदों पर एवं अवकाश अवधि में डाक व्यवस्था सुचारु रूप से बनाये रखने हेतु अंशकालीन तौर पर विभिन्न यूनिट इंचार्ज के अधीन कार्य किया था, अतः उसका किसी पद पर नियुक्ति पाने का अधिकार नहीं बनता है, अतः प्रार्थी को पूर्व पद पर वेतन वरीयता एवं सेवा के समस्त लाभों सहित सेवा में बहाल किया जाना न्यायोचित नहीं होगा। प्रतिपरीक्षा में इस गवाह का कथन है कि यह सही है कि हमारे यहाँ वायरमेन का पद स्वीकृत है। मुझे याद नहीं कि 2-2-98 से 2-2-2000 तक प्रार्थी ने वायरमेन का कार्य किया या नहीं, मैं नहीं कह सकता, रिकार्ड देख कर बता सकता हूँ। मुझे यह भी ध्यान नहीं कि उक्त अवधि में प्रार्थी के अलावा किसी अन्य व्यक्ति ने भी वायरमेन पद पर काम किया हो उस बाबत यहाँ रिकार्ड पेश नहीं किया। यह गलत है कि प्रार्थी उक्त अवधि में प्रार्थी की जो ड्यूटी लेबर कोलोनी वाले पोस्ट आफिस में लगाई गई थी। अब कहा कि उक्त पद पर काम करने वाला व्यक्ति छुट्टी पर गया था—जिससे प्रार्थी की ड्यूटी वहाँ उस व्यक्ति ने लगाई थी। यह सही है कि इस बाबत सहमति विभागा की लेनी पड़ती है। लेकिन यह

गलत है कि प्राथी द्वारा लेबर कोलोनी वाले आफिस में काम करने के बाद मुख्य डाकघर में काम किया जाता हो। वायरमेन द्वारा नियमों में बताए अनुसार काम करना पड़ता है, लेकिन इस बाबत विभाग में कोई रजिस्टर या अन्य दस्तावेज नहीं रखा जाता है। यह सही है कि भीलवाड़ा कोर्ट वाले डाकघर में रामनाथ सिंह जो अवकाश पर गया था वह विभागीय कर्मचारी था। यह गलत है कि इस अवधि में प्राथी ने रामनाथ सिंह के स्थान पर जो काम किया वह विभागीय कर्मचारी की हैसियत से किया बल्कि आउट साईडर की हैसियत से किया। यह सही है कि जिस अवधि में रामनाथ के स्थान पर प्राथी ने काम किया वह जो काम रामनाथ कर सकता था वो हो काम प्राथी ने किये। यह सही है कि बालेसरिया डाकघर में प्राथी ने आउट साईडर की हैसियत से काम किया वो विभागीय अधिकारियों की सहमति से किया था। यह सही है कि हमारे द्वारा प्रस्तुत प्रदर्श ए. 1 में प्राथी द्वारा काम किये गये कार्य दिवसों का विवरण है। यह कहना गलत है कि प्रदर्श ए. 1 में दर्शाये कार्य दिवसों में शनिवार, रविवार व अन्य अवकाश शामिल न हो। प्राथी जहां जिस जगह काम करता था वहां का इंचार्ज अधिकारी प्रमाण पत्र बना कर देता कि उस व्यक्ति ने इस दिन काम दिया उसके आधार पर हम भुगतान करते थे। प्राथी जहां काम करता था वहां जिस कर्मचारी के रूप में काम करता उपस्थिति रजिस्टर में यह रिमार्क लगाते कि निश्चित दिन प्राथी ने उसके स्थान पर काम किया जिसके आधार पर इंचार्ज अधिकारी प्रमाणपत्र बना कर भेजता था। यह सही है कि प्राथी जिस दिन जिस जगह काम करता था उसका अलग से विवरण नहीं है क्योंकि प्राथी ने अलग-अलग जगह अलग-अलग हैसियत से काम किया, लेकिन जो प्रदर्श ए. 1 पेश किया उसमें प्राथी द्वारा किये गये काम की अवधि व स्थान का विवरण है। इसके अलावा अन्य विवरण पत्रावली में पेशशुदा नहीं है। वायरमेन के पद नियम के अनुसार था लेकिन उस पद पर यदि किसी व्यक्ति को एक साल तक काम पर नहीं रखा या ड्यूटी पर नहीं रखा जाता है तो वह पद अपने आप समाप्त हो जाता है। इस प्रकरण में वायरमेन रामनाथ सिंह द्वारा काम लेना बंद करने के बाद किसी व्यक्ति की नियुक्ति नहीं हुई इस लिए रामनाथ सिंह को कार्य करने की अंतिम तिथि के एक साल बाद पद समाप्त हो गया। इस पद पर अभी किसी की नियुक्ति नहीं की गई। यह पद किर्तन समय पहले समाप्त हो गया, जबानी याद नहीं है इस लिए नहीं बता सकता। जवाब पेश करते समय मुझे यह बात नहीं पूछी थी न वकील सा. ने पूछी थी इस लिए उक्त बात आज बताई वो जवाब लिखते समय वकील सा. को नहीं बताई। यह सही है कि प्राथी की कार्यावधि के दौरान में भीलवाड़ा नियुक्त नहीं था। यह सही है कि 7-2-2002 को प्राथी को पद से हटाने से पूर्व एक माह पूर्व या अन्य किसी तरह को कोई नोटिस नहीं दिया। आज कहा कि आऊट साईडर को हटाने का नोटिस नहीं दिया जाता है इस लिए नोटिस नहीं दिया। यह गलत है कि वायरमेन पद पर काम करने वाले व्यक्ति को हमें हमेशा आवश्यकता रहती है। यह गलत है कि इस पद पर कोई न कोई व्यक्ति करता है। रिपेयरिंग का काम हमारे यहां अलग इलेक्ट्रीकल विंग देखता है, छोटा-मोटा काम बाजार से करवाते हैं। मैं नहीं कह सकता कि इलेक्ट्रीकल विंग में वायरमेन का पद हो व इस पद पर काम करने वाला व्यक्ति ही यह काम करता हो क्योंकि यह बात मेरे ज्ञान में नहीं

है। हमारे यहां भीलवाड़ा में विंग कार्यरत नहीं है, जयपुर में इलेक्ट्रीकल विंग है इस लिए मुझे पता नहीं कि उसमें कितने व्यक्ति किस पद पर काम करते हैं। प्रदर्श ए. 2 प्रमाणपत्र किसने जारी किया, मैं नहीं कह सकता किंतु ए से बी हस्ताक्षर आर. एस. उदावत के हैं। प्रदर्श ए. 3 से ए. 11 विभाग द्वारा निकाले गये प्राथी को किये गये भुगतान के प्रमाण पत्र है। यह सही है कि प्रदर्श ए. 3 से ए. 11 द्वारा जो भुगतान प्राथी को किया गया है वह वायरमेन की खाली पोस्ट के विरुद्ध किया है। मुझे याद नहीं कि 7-2-2000 को वायरमेन का पद रिक्त था या नहीं मुझे यह ध्यान नहीं है कि विभाग की जो उपस्थिति पंजिका होती है उसमें वायरमेन का काम करने वाले व्यक्ति का नाम लिखा जाता था व आज भी लिखा जा रहा हो। 7-2-2000 से पहले प्राथी का नाम रजिस्टर में वायरमेन पद पर लिखा जाता था, यह मैं नहीं कह सकता। जो उपस्थिति पंजिका व अन्य रिकार्ड विभाग में रखते हैं वह एक निश्चित समय के बाद नष्ट कर दिया जाता है। प्राथी के नाम वाली पंजिका विभाग में है या नहीं, मैं नहीं बता सकता। यदि वह काल अवधि से बाहर हो गई होगी तो नष्ट कर दी गई होगी अन्यथा विभाग में होगी। यह सही है कि पोस्ट एंड टेलीग्राफ मेन्युअल में बताई अवधि के अनुसार ही रिकार्ड प्रिजर्व रखा जाता है। किस अवधि का रिकार्ड जाया कर दिया है, इसका रिकार्ड भी अलग से रखा जाता है। यह सही है कि रिकार्ड जाया करने का रजिस्टर में नटेन किया जाता है उसे पेश नहीं किया जाता है, लेकिन जो रिकार्ड जाया किया गया है उस बाबत पत्र मैंने जवाब के साथ पेश किया है। मुझे पता नहीं कि उपस्थिति बाबत रिकार्ड वर्ष से पूर्व जाया न किया जा सकता हो। मुझे इस बात की जानकारी है कि विभागीय कर्मचारी जिसका कोई प्रकरण न्यायालय में चल रहा हो या विवादित हो उसके प्रकरण के निस्तारण के बाद 3 साल तक उसे सुरक्षित रखा जाता है। यदि किसी व्यक्ति का स्थानांतरण पर किसी व्यक्ति की नियुक्ति दी गई है तो उसे चार्ज दिया जायेगा व नियुक्त न होने पर वेकेन्ट चार्ज रिपोर्ट बना कर उसे रिलीव कर देते हैं। लेकिन किसी बाह्य व्यक्ति को चार्ज नहीं दिया जाता है। सुरेश चन्द्र छपेरा हमारे यहां विभागीय कर्मचारी है। यह गलत है कि प्रदर्श ए. 12 के जरिये सुरेश का चार्ज प्राथी को दिया हो। इसकी प्रतिलिपि पर प्रदर्श ए. 12 ए अंकित किया गया। प्रदर्श ए. 12 दस्तावेज हमारे विभाग द्वारा जारी शुदा है या नहीं रिकार्ड देख कर बता सकता हूं, लेकिन लगता विभाग का है। यह सही है कि इसमें श्री पठान को तुरंत वायरमेन का काम देने का लिखा है लेकिन लिस्ट के अनुसार विभाग का एपाईटमेंट लेटर जारी होता है व चार्ज रिपोर्ट तैयार होती है। इस प्रकार की दोनों चीजें इसमें जारी नहीं हुई। यह मैं जबानी नहीं बता सकता कि प्राथी से संबंधित समझौता कार्यवाही 2000 में शुरू हुई थी। मुझे ध्यान नहीं प्रदर्श ए. 13 की एक प्रति हमारे कार्यालय में आई या नहीं।

आऊट साईडर जो काम करता हो उसकी हाजरी का उपस्थिति पंजिका में अंकन बाबत नियमों में प्रावधान नहीं है, अभी लगाते हैं या नहीं मुझे पता नहीं। यह गलत है कि प्राथी को उसके अधिकारों से वंचित रखने के लिए आज मैं झूठा बयान दे रहा हूं।

10. प्राथी की ओर से लिखित बहस में तर्क दिया गया है कि प्राथी ने विपक्षी के अधीन दिनांक 2-2-98 से 7-2-2000 तक निरंतर

एवं नियमित रूप से कार्य किया है। इस संबंध में विपक्षी की ओर से लिखित बहस में तर्क दिया गया कि प्राथी ने उनके यहां विभिन्न समयवर्षों में विभिन्न पदों पर विभिन्न यूनिट इंचार्ज के अधीन वैकल्पिक व्यवस्था के तौर पर तथा कार्यरत कर्मचारियों के अवकाश के दौरान डाक व्यवस्था बनाये रखने के लिए कार्य किया। उसे नियमित रूप से नहीं लगाया गया। विपक्षी की ओर से तर्क दिया गया कि प्राथी को मुख्य डाकघर में दिनांक 10-2-98 से 23-10-98 तक आउट साईडर वायरमैन के पद पर लगाया गया। इसके बाद सरदार सिंह के छुट्टी के लिए आवेदन करने पर प्राथी को एवजी के रूप में सरदार सिंह की जिम्मेदारी पर निरीक्षक डाकघर पूर्व द्वारा दिनांक 14-6-99 तक लगाया गया एवं साथ ही दिनांक 25-6-99 से 27-6-99 तक, रामनाथ सिंह के अवकाश पर जाने से इनकी जगह प्राथी एवजी के रूप में कार्य किया। इसी प्रकार दिनांक 5-7-99 से 7-2-2000 तक शास्त्र डाकपाल, बालेसरिया की मृत्यु हो जाने से प्राथी को काम चलाक व्यवस्था के तौर पर अस्थायी रूप से लगाया। विपक्षी ने अपनी लिखित बहस में प्राथी द्वारा दिनांक 10-2-99 से 7-2-2000 तक निरंतर कार्यरत रहने से इनकार किया है तथा कहा है कि प्राथी ने इस अवधि में अलग-अलग यूनिट इंचार्ज के अधीन आवश्यकतानुसार कार्य किया। प्राथी की ओर से ऐसा कोई दस्तावेज पेश नहीं किया गया है—जिससे यह प्रकट होता हो कि उसकी नियुक्ति विधिवत रूप से विभागीय चयन प्रक्रिया के माध्यम से हुई हो। विपक्षी द्वारा प्रस्तुत प्राथी के कार्य विवरण प्रदर्श ए. 1 के अनुसार प्राथी ने विपक्षी के यहां दिनांक 10-2-98 से 28-2-98 तक 17 दिन, 1-3-98 से 31-3-98 तक 28 दिन, 1-4-98 से 7-4-98 एवं 13-4-98 से 30-4-98 तक 25 दिन, 1-5-98 से 31-5-98 तक 26 दिन, 1-6-98 से 30-6-98 तक 30 दिन, 1-7-98 से 31-7-98 तक 29 दिन, 1-8-98 से 31-8-98 तक 30 दिन, 1-9-98 से 30-9-98 तक 30 दिन, 5-10-98 से 18-10-98 एवं 20-10-98 से 23-10-98 तक 18 दिन, कार्य करना प्रकट होता है। प्रदर्श ए. 2 अनुभव प्रमाणपत्र के अनुसार प्राथी ने मुख्य डाकघर में दिनांक 2-2-98 से 26-10-98 तक आउट साईडर वायरमैन के पद पर कार्य किया। प्राथी ने अपने क्लेम में 2-2-98 से कार्य करना प्रकट किया है, लेकिन प्रदर्श ए. 1 सूची के अनुसार प्राथी द्वारा दिनांक 10-2-98 से कार्य प्रारंभ करना प्रकट होता है। इसी प्रकार प्राथी द्वारा माह अक्तूबर में मात्र 18 दिन कार्य करना प्रकट होता है तथा दिनांक 1-10-98 से 4-10-98 एवं 19-10-98 को एवं 24-10-98 से 31-10-98 तक कार्य करना प्रकट नहीं होता है। इसी प्रकार प्राथी द्वारा प्रदर्श ए. 3 के अनुसार प्राथी ने दिनांक 10-2-98 से 28-2-98 तक वायरमैन के पद पर कार्य करना प्रकट होता है, प्रदर्श ए. 4 के अनुसार दिनांक 1-3-98 से 31-3-98 तक कार्य करना प्रकट होता है, प्रदर्श ए. 5 के अनुसार दिनांक 1-4-98 से 7-4-98 व 13-4-98 से 30-4-98 तक कार्य करना प्रकट होता है। प्रदर्श ए. 6 के अनुसार प्राथी द्वारा दिनांक 1-5-98 से 31-5-98 तक कार्य करना प्रकट होता है। प्रदर्श ए. 7 के अनुसार 1-6-98 से 30-6-98 तक कार्य करना प्रकट होता है। प्रदर्श ए. 8 के अनुसार प्राथी द्वारा 1-7-98 से 31-7-98 तक कार्य किया। प्रदर्श ए. 9 के अनुसार प्राथी ने दिनांक 1-8-98 से 31-8-98 तक कार्य किया। प्रदर्श ए. 10 के अनुसार प्राथी ने दिनांक 1-9-98

से 30-9-98 तक कार्य किया। प्रदर्श ए. 11 के अनुसार प्राथी ने दिनांक 5-10-98 से 10-10-98, 12-10-98 से 17-10-98 व 20-10-98 से 23-10-98 तक कार्य किया। उक्त दस्तावेजों से यह प्रकट होता है कि प्राथी ने प्रदर्श ए. 2 में अंकित तिथि 26-10-98 के पश्चात् 9-2-98 तक कोई कार्य नहीं किया। इसी प्रकार प्रदर्श ए. 5 में अंकित तिथि 7-4-98 के पश्चात् दिनांक 8-4-98 से 12-4-98 तक कोई कार्य नहीं किया। इसी प्रकार प्रदर्श ए. 11 के अनुसार दिनांक 1-10-98 से 4-10-98 तक व दिनांक 11-10-98 को व 18-10-98 से 19-10-98 तक व दिनांक 23-10-98 से 31-10-98 तक कोई कार्य नहीं किया। इस प्रकार उक्त विवेचन से यह स्पष्ट होता है कि प्राथी ने उक्त अवधि में निरंतर रूप से कार्य नहीं किया तथा बीच-बीच में वह कार्य से अनुपस्थित रहा है। प्रदर्श ए. 3 से ए. 11 में यह भी अंकित किया गया कि प्राथी को अस्थायी तौर पर आकस्मिक रूप से कार्य पर रखा गया है तथा उसकी सेवा मविध्य में किसी नियुक्ति व नियमित नियुक्ति के लिए नहीं मानी जायेगी। पत्रावली में अतिरिक्त विभागीय एजेंट सरदार सिंह के अवकाश प्रार्थनापत्र की प्रति उपलब्ध है—जिसमें सरदार सिंह ने बीमारी के कारण अवकाश लेना तथा दिनांक 11-11-98 से 31-1-99 तक 82 दिन का अवकाश का आवेदन किया तथा एवजी के रूप में रफीक खां का नाम भी लिखा तथा उसके नमूने के हस्ताक्षर भी इस आवेदन पत्र में हैं। आवेदन पत्र पर सरदार सिंह के भी हस्ताक्षर हैं उक्त विवेचन से यह प्रकट होता है कि प्राथी को डाकघर की व्यवस्था सुचारु रूप से बनाये रखने के लिए अस्थायी तौर पर दैनिक वेतन पर लगाया गया था तथा पूर्णतः आकस्मिक कार्य के लिए लगाया गया था। प्राथी को भी स्थायी नियुक्ति के लिए विपक्षी ने साक्षात्कार में बुलाया था, लेकिन साक्षात्कार में वह सफल नहीं हुआ तथा अन्य योग्य कर्मचारियों का चयन किया गया। इस प्रकार प्राथी ने लगातार डाक विभाग में आउट साईडर के पद पर कार्य नहीं किया बल्कि बीच-बीच में अनुपस्थित ही रहा। प्राथी को प्रत्येक नियुक्ति के समय स्पष्ट अंकित कर दिया गया था कि उसका कार्य पूर्णतः अस्थायी है और वह किसी प्रकार से स्थायी पद के लिए समायोजित किये जाने के लिए योग्य नहीं होगा तथा उसकी नियुक्ति पूर्णतः अस्थायी है। ऐसी स्थिति में प्राथी का कथन है कि उसने नियमित रूप से कार्य किया—मानने योग्य नहीं है तथा उसने कार्य भिन्न-भिन्न डाकपाल के वृत्त कार्य किया—जिन्को एक दूसरे से कोई सामंजस्य नहीं है, अतः प्राथी के स्थान पर दिनांक 7-2-2000 से अन्य योग्य व्यक्ति को नियुक्ति दी जाना अवैध नहीं है। प्राथी श्रमिक कोई रहत प्राप्त करने का अधिकारी नहीं है।

11. विपक्षी की ओर से प्रस्तुत न्यायिक विनिरचन सेलोटरी, कर्नाटक राज्य एवं अन्य बनाम उमा देवी व अन्य (2006) 4 एस. सी. पीज-1 में माननीय उच्चतम न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया कि आकस्मिक रूप से दैनिक वेतन पर नियुक्त श्रमिकों को नियमित नहीं किया जा सकता। प्राथी श्रमिक भी एक आकस्मिक दैनिक वेतन भोगी श्रमिक था—जिसे उक्त न्यायिक विनिरचन के परिप्रेक्ष्य में नियमित नहीं किया जा सकता है, अतः उक्त न्यायिक विनिरचन के परिप्रेक्ष्य में भी प्राथी श्रमिक कोई रहत प्राप्त करने का अधिकारी नहीं है।

अतः प्रासंगिक विवाद का उत्तर इस प्रकार दिया जाता है कि अधीक्षक, उत्कल, बोलपाड़ा द्वारा रफीक खान पतन पुत्र श्री कमरुद्दीन पतन को दिनांक 7-2-2000 से सेवा पृथक करना उचित एवं वैध है। श्रमिक कोई राहत पाने का अधिकारी नहीं है।

उपर्युक्तानुसार पंचाट जारी किया जाता है। पंचाट की प्रति प्रकाशनार्थ केन्द्र सरकार के श्रम मंत्रालय को भेजी जाये।

पंचाट आज दिनांक 10-4-2008 को लिखाया जाकर सुनाया गया।

उषा अग्रवाल, न्यायाधीश

नई दिल्ली, 5 जून, 2008

का.आ. 1580.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्वालिटी एश्युरेंस ऑफिसर, रक्षा मंत्रालय के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या 132/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-14011/7/2002-आई आर.(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 5th June, 2008

S.O. 1580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 132/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Quality Assurance Officer, M/o Defence and their workman, which was received by the Central Government on 5-6-2008.

[F. No. L-14011/7/2002-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present: Shri N. K. R. Mohapatra,
Presiding Officer,
C. G. I. T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 132/2002

Date of Passing Award—15th April 2008

Between: 1. The Management of the Director General of Quality Assurance, Ministry of Defence, Sena Bhawan, New Delhi-110011
2. The Quality Assurance Officer, Quality Assurance Estt. (Metals), Hot Rolling Mill

Road, Rourkela Steel Plant, SAIL, Sundargarh.

.....1st Party-Managements.

And

Their Workman, represented through the General Secretary, Raksha Utpadan Karmachari Sangh, C/o. Jagannath Hair Cutting Saloon, Plant Side Road, Sundargarh.

.....2nd Party-Union.

Appearances:

Shri S. L. Banik	:	For the 1st Party—
SSO-II.		Managements
Shri R. Karan.	:	For Himself-The 2nd
		Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-14011/7/2002-IR(DU), dated 29-11-2002/5-12-2002:

“Whether the action of the Management of Quality Assurance Officer (Metal), Rourkela by not paying the differential wages of Class-IV to Class-III from 16-12-1983 to 4-12-1987 to Sh. R. Karan, mazdoor, who had been ordered to perform the duty of Class-III vide internal circular order No. IMR/EST/034, dated 16-12-1983 is justified? If not to what relief the workman is entitled for?”

2. Admittedly on the death of his father the disputant-workman was appointed as a Mazdoor on compassionate ground under Rehabilitation Assistance Scheme of the Government on 26-10-1983 in the establishment of the Management while he was prosecuting his studies in final B.A. Appearing on behalf of the Union it is claimed by the disputant-workman that after so being appointed as a Mazdoor he was given verbal assurance that he would be adjusted against a post of Clerk when such vacancy would arise and that accordingly he was entrusted with the duties and responsibilities of a Senior Clerk (UDC) vide internal office order No. IMR/Est./034, dated 16-12-1983 marked Ext.-A from 16-12-1983 to 4-12-1987. Since for the above period he was not paid wages at the rate of Rs. 320/- per month as applicable to that post he made several representations for his posting in a suitable post befitting his educational qualifications as in the meantime he had passed his graduation. In view of such repeated representations, it is alleged by the disputant-workman that, the work assigned to him was withdrawn from 5-12-1987 though he should have been absorbed against a higher post as per the verbal assurance given to

him at the time of his initial appointment. So far as the present reference is concerned it is alleged by the disputant-workman that when the Management did not heed to any of his representations he raised an Industrial Disputes through his Union culminating the same in the present reference. It is claimed that since he had worked in the capacity of an U.D.C. in place of one Shri D. G. Pradhan from 16-12-1983 to 4-12-1987 he is entitled to get Rs. 320 per month as against Rs. 196 per month under the principles of equal pay for equal work.

3. The 1st Party-Management on the other hand has contended that after being appointed as a Mazdoor on compassionate ground the disputant-workman worked for some days as a Mazdoor and thereafter made an oral request to be adjusted in some other posts so as to facilitate him to prosecute his higher studies and that accordingly on his own request he was given lighter duty so that he can pursue his studies and gain some working experience for his future betterment. It is further contended by the Management that no-doubt under an internal office order marked Ext.-A the disputant-workman was asked to work in place of one Shri D.G. Pradhan during the relevant period from 16-12-1983 to 4-12-1987 but during that time Shri D.G. Pradhan was not an U.D.C. but was performing the duties of an orderly and therefore the question of the workman rendering the services of an U.D.C. does not arise. It is also contended by the Management that the work performed by the disputant-workman did not involve higher responsibilities but the experience certificate granted to him was on his own request so as to facilitate him to get his name registered in the Employment Exchange and for availing better employment opportunities elsewhere and as such these certificates are of little consequence. It is further contended by the Management that the appointment of workman being against a regular Govt. post he should have approached the Administrative Tribunal for necessary relief and as such the present reference is not maintainable. It is also contended by the Management that the concept of equal pay for equal work is also not applicable in case of the disputant and more so the present claim having been made after lapse of about 13 years the same is not sustainable under law and as such the reference is liable to be declared as not maintainable.

4. On the basis of above pleadings of the parties the following issues have been framed :

ISSUES

1. Whether the reference is maintainable ?
2. Whether the action of the Management of Quality Assurance Officer (Metal), Rourkela by not paying the differential wages of Class-IV to Class-III from 16-12-1983 to 4-12-1987 to Shri R. Karan, workman as per IMR/EST/034 is justified ?
3. If not, to what relief he is entitled to ?

5. To prove its case the disputant-workman and another have been examined on behalf of the Union while the Management has examined a sole witness in support of its case. Documents marked Ext.-1 to Ext.-30 have been filed from the side of the disputant-workman while Ext.-A, B and C have been filed on behalf of the Management.

FINDINGS

ISSUES NO. II & III

6. These issues being the prime issues they are taken up first.

Admittedly on the death of his father the workman was appointed as a Mazdoor on compassionate ground as per the Rehabilitation Assistance Scheme of the Government with effect from 26-10-1983. It is deposed by the workman during trial that at the time of such appointment he was prosecuting his studies in B.A. and therefore in view of his above educational qualification he was asked to work in higher post from 16-12-1983 to 4-12-1987 in place of one Shri D.G. Pradhan as per order marked Ext.-A. According to the workman the said D.G. Pradhan was working as an U.D. Clerk and therefore for working in his place he is entitled to get equal pay for equal work for the above period. As against the same the Management has claimed that during the above period Shri D.G. Pradhan was still working as an Orderly even though he was designated as Examiner-II and therefore the claim of the workman that he was asked to render the duties of an U.D. Clerk can hardly be believed. The said D.G. Pradhan has been examined on behalf of the Management. In his evidence the said witness has deposed that by the time he was transferred vide Ext.-A he was designated as Examiner, Grade-II but in practice he was maintaining the diary and dispatch register. He further says that even after his transfer as Examiner Grade-II he used to do the same nature of work of maintaining diary and dispatch register. He further says that prior to his above transfer his duty was to maintain diary and dispatch register and at that time the workman was attached to him to paste the envelope containing the daks etc. but he was never maintaining the dispatch and diary register. During cross-examination it was suggested to him that after his transfer vide Ext.-A the workman used to maintain the diary and dispatch work till he made over the charge to one Shri K. C. Gandha, an LDC on 4-12-1987. The workman Witness No. 2 Shri T. Kerketta has also deposed that in his evidence that the workman was receiving daks and leave applications of the employees and was processing the same to the higher authorities. He also maintaining leave accounts of the employees. In a latter stage he further deposed that, while working in technical section the main duty of the workman was only to affix stamps on various letters of the section and that the work performed by the workman was also almost similar with the job which Shri D.G. Pradhan was

performing. The aforesaid evidence of the witness thus makes it clear that after being posted in place of Shri D.G. Pradhan vide Ext.-A the workman was doing the job of Dispatcher which is different from the job of an U.D.C. Therefore, the claim of the workman that the job which he was performing was equivalent to that of an U.D.C. cannot be believed. The order under which he was transferred to work in place of Shri D.G. Pradhan vide Ext.-A also indicated that by the time he was so transferred Shri D.G. Pradhan was not working as an U.D.C. He was simply then designated as Examiner Grade-II which is not at par with the post of an U.D.C. It is the settled law that, while considering a case based on the principal of "equal pay for equal work", the nature or volume of work performed by a disputant is not alone to be considered but it is to be considered as to the quality of his work as also his reliability and responsibility to such work. It has been held by the Apex Courts in the case of U.P. State Sugar Corporation Limited Versus Sant Raj Singh and others reported in 2006-III-LLJ-509 that the doctrine of equal pay for equal work, as adumbrated under Article 39(d) of the Constitution of India read with Article 14 thereof, can not be applied in a vacuum. The constitutional scheme postulates equal pay for equal work for those who are equally placed in all respects.

7. In the case between State of Orissa Versus Balaram Sahu and others reported in 2002-III-LLJ-1115 it has further been held by the Apex Court that though equal pay for equal work is considered to be a concomitant of Article 14 as much as "equal pay for un-equal work" will also be a negation of that right, equal pay would depend upon not only the nature of the volume of work, but also on the qualitative difference as regards reliability and responsibility as well and though the functions may be the same, but the responsibilities do make a real and substantial difference.

8. From the evidence adduced by the workman and his witness it transpires that the workman was at best doing the job of a dispatcher which is un-comparable with the job of an U.D.C. and therefore his claim for the salary of an U.D.C. for the relevant period stands to no logic. Furthermore it be mentioned here that the principles of equal pay for equal work is only applicable in cases where an unorganized workman is utilized to perform the duties of a regular post. But such principles can not be made applicable *inter se* between two regular posts when such posts have been differently classified and method of appointment and promotion to these posts being differently regulated. Therefore, to the above extend the claim of the workman appears not sustainable.

9. Further from the various correspondences and representations which have been marked from the side of the disputant-workman it can be gathered that while working in place of Shri D.G. Pradhan from 16-12-1983 to 4-12-1987 the workman simply made a representation on 15-9-1986 (Ext.-5 for better facility and change allowance

based on an internal circular No. IMR/Estt. 034, dated 16-12-1983. His other document shows that he was assigned with some other jobs from 5-12-1987 and long thereafter he made two representations on 5-9-1995, one for his appointment in a higher post as in the meantime he had passed his M.A. with LL.B. Degree and the other for his differential pay for the period 16-12-1983 to 4-12-1987 calculated on the basis of the principles of equal pay for equal work vide Ext.-29 and 30. The other documents show that there after in the year 1996 he for the first time raised a dispute before the Asstt. Labour Commissioner (Central) through the Union claiming the aforesaid differential pay as also better service befitting his educational qualification. Ext-16 shows that his presentation for the differential pay was rejected by the management as the claim for the same was made after lapse of 13 years as discussed earlier. It be noted here that, admittedly the workman was given compassionate appointment by the time he was prosecuting his studies in B.A. and by the time he made his representation Ext.-29 and 30 on 5th Sept. 1995 he had already qualified in M.A. with LL.B. Degree. This with necessary implication suggests that, the workman though was appointed as a Mazdoor was allowed to work in the establishment section so as to facilitate him to prosecute his studies as claimed by the Management as otherwise he would not have acquired these qualifications. The workman's conduct of not claiming equal pay for equal work for the aforesaid period until 1996 further indicates, as claimed by the management, that on his own request he was posted in place of Shri D.G. Pradhan during 16-12-1983 to 4-12-1987 so as to acquire service experience for the future better employment. Therefore in such circumstances the claim of the workman totally appears to be mysterious and untenable for the same having been claimed for the first time 13 years after the due date. As I gather from the various documents filed by the workman he has raised the dispute having failed in his persistent attempt to get a suitable post befitting his present educational qualification. Accordingly for the various discussions made in the present and foregoing paras I hold that the workman is not entitle for any relief.

ISSUE NO. I

10. Since no evidence worth the name has been adduced by the Management as to the non-maintainability of the reference this issue is answered affirmatively.

11. reference is answered accordingly with no relief.

Dictated & Corrected by me.

N.K.R. MOHAPATRA, Presiding Officer

LIST OF WITNESSES EXAMINED ON BEHALF OF THE 2nd PARTY-UNION

W.W.-1—Shri Rudrakshya Karan,

W.W.-2—Shri Tintus Kerketta.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE 2nd PARTY-WORKMAN.

- Ext.-1-Letter No. IMR/Est./001, dated 12-10-1983.
 Ext.-2-Copy of the order of quasi permanent capacity.
 Ext.-3-QMR-Est/121, dated 8-4-1992-No objection-cum-Experience Certificate.
 Ext.-4-Experience Certificate.
 Ext.-5-Copy of the letter relating to grant of charge allowance.
 Ext.-6-Complaint petition dated 1-2-2001 to the ALC(C) Rourkela.
 Ext.-7-Complaint petition dated 25-2-1997.
 Ext.-8-Letter No. RVKS/RKL/001, dated 1-3-1997.
 Ext.-9-Letter No. RVKS/Rk1/001, dated 22-7-1997.
 Ext.-10-Copy of letter of RVKS/Rk1/001, dated 6-9-1997.
 Ext.-11-Letter No. RVKS/Rk1/001, dated 24-2-1998.
 Ext.-12-Letter No. 50(1)98-Rk1, dated 24-2-1998.
 Ext.-13-Letter No. OMR/Est./046, dated 21-2-1997.
 Ext.-14-Letter dated 24-1-1997 of Shri R. Karan, Mazdoor.
 Ext.-15-Letter dated 20-1-1997 of Shri R. Karan, Mazdoor.
 Ext.-16-Copy of letter dated 22-1-1997 of Management to the Shri R. Karan.
 Ext.-17-Copy of the letter dated 22-1-97 of Shri R. Karan to the Management.
 Ext.-18-Letter dated 20-12-1996 of Shri R. Karan, Mazdoor.
 Ext.-19-Letter dated 20-12-1996 of Shri R. Karan, mazdoor.
 Ext.-20-Letter dated 26-8-1996 of Shri R. Karan, Mazdoor.
 Ext.-21-Letter dated 19-3-1996 of Shri R. Karan, Mazdoor.
 Ext.-22-Letter dated 16-2-1996 of ALC(C), Rourkela.
 Ext.-23-Letter dated 12-1-1996 of ALC(C), Rourkela.
 Ext.-24-Letter dated 28-12-1995 of Shri R. Karan, President, RVK Sangh, Rourkela.
 Ext.-25-Letter No. OMR/Est./046, dated 8-11-1995 of Management to Shri Karan.
 Ext.-26-Letter dated 31-10-1995 of Shri R. Karan, Mazdoor.
 Ext.-27-Letter dated 31-10-1995 of Shri R. Karan, Mazdoor.
 Ext.-28-Letter dated 25-9-1995 of Shri R. Karan, Mazdoor.
 Ext.-29-Letter dated 5-9-1995 of Shri R. Karan, Mazdoor.
 Ext.-30-Letter dated 5-9-1995 of Shri R. Karan, Mazdoor.

LIST OF WITNESSES ON BEHALF OF THE 1st PARTY-MANAGEMENT

M.W.-1-Shri D. G. Pradhan.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE 1st PARTY-MANAGEMENT

- Ext.-A-Copy of Internal Office note dated 16-12-1983.
 Ext.-B-Copy of duties of ministerial staff dated 19-8-1983.
 Ext.-C-Copy of Service Record.

नई दिल्ली, 5 जून, 2008

क्र.अ. 1581.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हाक विभाग के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, भुवनेश्वर के पंचद (संदर्भ संख्या 25/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-40011/13/2005-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 5th June, 2008

S.O. 1581.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2005) Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 5-6-2008.

[F. No. L-40011/13/2005-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR**

PRESENT: Shri N. K. R. Mohapatra,
 Presiding Officer,
 C. G. I. T.-cum-Labour Court,
 Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 25/2005

Date of Passing Award—29th April, 2008

Between: The Management of:—

1. The Chief Post Master General,
Orissa Circle, Bhubaneswar.
2. The Superintendent of Post Bhubaneswar
Division, Bhubaneswar.
3. The Sr. Post Master, G.P.O.,
Bhubaneswar.

..... 1st Party-Managements.

And

Their Workmen, Shri Jitendra Kumar
 Mohanty & Others, Speedman, Speed Post
 Branch, GPO, Bhubaneswar.

..... 2nd Party-Workmen.

APPEARANCES:

Manoj Kr. Das.	:	For the 1st Party-
Inspector of Posts		Managements.
Shri J. K. Mohanty.	:	For the 2nd Party-
		Workmen.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-40011/13/2005-IR(DU), dated 08-09-2005.

"Whether the action of the Management of Chief Post Master General, Orissa Circle, Department of Post, Bhubaneswar in stopping payment of compensation @ Re. 1/- per Km. to Shri Jitendra Kumar Mohanty & six other Postal Speedmen who have been using their own two wheeler for delivery of speed post articles on the direction of the Department and paying them Rs. 425/- per month in the name of conveyance allowance without considering the actual expenditure for delivery of Speed Post Articles is legal and justified? If not, what relief the workmen are entitled to?"

And in subsequent corrigendum No. L-40011/13/2005-IR(DU), dated 5th January, 2005 the following schedule of reference was referred for adjudication?

"Whether the action of the Management of Chief Post Master General, Orissa Circle, Department of Post, Bhubaneswar in Stopping payment of compensation @ Rs. 1/- per km. with effect from 8-10-2001 to Shri Jitendra Kumar Mohanty, Shri Sanatan Barik, Shri B.N. Mishra, Shri Harmohan Dass, Shri Sarat Chandra Sahoo, Shri Shiba Chandra Naik & Shri Jagannath Jena, Postal Speedmen who have been using their own two wheeler for delivery of speed post articles on the direction of the Department and paying them Rs. 425/- per month in the name of "conveyance allowance" without considering the actual expenditure for delivery of speed post articles is legal & justified? If not, what relief the workmen are entitled to?"

2. Admittedly the disputants named in the reference were working as Speed-men in the Speed Post Wing of G.P.O., Bhubaneswar for delivery of the Speed Posts within Bhubaneswar. For the above purpose, they were paid conveyance allowance at the rate of Re. 1/- per Kilometer for using their own conveyance, as per letter dated 14-1-98 of the Senior Post Master, Bhubaneswar. When the Chief Post Master, Bhubaneswar sought for approval of the above payment the Business Development Directorate, Post and Dak Bhawan, New Delhi issued a circular on 23-4-2001 intimating all post offices that payment of such allowance should be regulated as per the provisions containing in SR-25 of the DoPT of the Central Government. In consequence thereof the payment of conveyance allowance at the rate of Re. 1/- per Kilometer was abandoned with effect from 8-10-2001 and fixed T.A. allowance of Rs. 425/- was paid to the disputants as conveyance allowance as per the above SR-25. Challenging the above action of the Management for not paying Re. 1/- per Kilometer a dispute was raised before the Asst. Labour Commissioner (Central) which resulted in the present reference.

3. The Management on the other hand contended that when the centralized Speed Post delivery system was introduced in Bhubaneswar with effect from 14-1-1998 the entire Bhubaneswar Town was divided into four zones and the disputants were engaged to deliver speed post articles and as a temporary measure they were given Re. 1/- per Kilometer for using their own moped or two wheeler by the Senior Post Master, Bhubaneswar. This arrangement was made subject to the approval of the ministry of Finance and accordingly the matter was referred to the Business Development Directorate, New Delhi and that ultimately it was decided by the Finance Department that such conveyance allowance are to be regulated in accordance with SR-25 of the DoPT. As a result, instead of paying Re. 1/- per each Kilometer the disputants were paid a fixed sum of Rs. 425/- per month with effect from 6-10-2001. It is further contended that having experienced various difficulties in centralizing the delivery system, the same was abandoned and it was decentralized vide order dated 16-8-2005 of the Supdt. of Post Office, Bhubaneswar Division. It is further contended by the Management that the workmen being aggrieved with the above action of the Management filed O.A. case No. 686/2005 and many other cases in Central Administrative Tribunal, Cuttack Bench challenging stoppage of Re. 1/- per Kilometer and as such the present reference is not maintainable in view of the order passed by the Central Administrative Tribunal in their common order dated 8-8-2006. Thus in nutshell, it is contended by the Management that the reference is not maintainable at all.

4. On the above pleadings of the parties as many as four issues were framed, of which Issue No. 1 was in regard to the maintainability of the dispute before the Industrial Tribunal (Central), Bhubaneswar.

5. It be mentioned here that due to non-participation of the disputants they have been set *exparte* and hence this *exparte* award as follows.

FINDINGS

6. It is the settled law that no self same dispute can be fought out in two different forums having concurrent jurisdiction over the same. From the evidence of the management and the findings of the Central Administrative Tribunal in their order dated 8-8-2006 (Ext.-D) it appears that these disputants had filed individually separate O.A. cases numbering. 686/2005 and 726 to 731 of the year 2005 claiming similar relief and that, the said Tribunal having considered their entire claim has already disposed of the same in a common judgement dt. 8-8-06 and as such the present reference is held to be not maintainable under the principles *resjudicata*.

7. Reference is accordingly answered *exparte* against the workman.

Dictated & Corrected by me.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 5 जून, 2008

क्र.अ. 1582.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध निम्नलिखित और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 87/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-40012/114/98-आई आर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 5th June, 2008

S.O. 1582.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/98) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi as shown in the Annexure in the Industrial Dispute, between the employers in relation to the management of Department of Post and their workmen, which was received by the Central Government on 05-06-2008.

[F.No.L-40012/114/98-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

Presiding Officer : R. N. RAI I. D. No. 87/1998

In the matter of :—

Shri Chandersen,
S/o. Moti Ram,
Ex. C.P. Chowkidar, Rudiyan,
PO:Sakin, Ward No. I,
Town Area Rudiyan,
Distt: Badayun (UP)

Versus

The Superintendent of Post Offices,
Dak Department,
Badayun Mandal,
Badayun (UP).

AWARD

The Ministry of Labour by its letter No. L-40012/114/98-IR(DU) Central Government dt. 16-03-1998 has referred the following point for adjudication :—

The point runs as hereunder :—

"Whether the action of the management of Post Offices represented by Superintendent of Post

Offices, Badayun in terminating the services of Sh. Chander Sen, Ex. C.P. Chowkidar is legal and justified? If not, to what relief he is entitled."

The case of the workman is that he was engaged in the post of C.P. Chowkidar after complying with all the formalities just as calling for name from Employment Exchange, interview, police report etc. and the workman worked for one year and eight months till 09-07-1993 and he completed more than 240 days w.e.f. 12-11-1991 to 19-07-1993.

That the workman has been retrenched by order dated 19-07-1993 without any notice and retrenchment compensation. No. disciplinary action was taken against the workman.

The case of the management is that the applicant was appointed on 12-11-1991 as C.P. Chowkidar. On 23-06-1993, Director Postal Services, Bareilly Region, Bareilly inquired from Inspector PO Badayun as to how appointment of CP Chowkidar was made in contravention of Director General Post Letter No. 45-35-37/91 dated 05-06-1991 and Inspector Postal Services was directed to immediately terminate this irregular appointment and in compliance of the order, the Inspector Postal Services (W), Badayun terminated the services of the applicant vide order dated 19-07-1993.

That Sh. Chandersen approached CAT, Allahabad. It was also submitted that P & T Department is not an Industry and it is employees are not workmen.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was engaged after following the proper procedure and his services have been illegally terminated by the management after his work of one year and eight months.

It was submitted from the side of the management that his appointment was made mala fide by the Inspector Postal Services against the guidelines laid down by the Director General Postal Services. The Inspector Postal Services received direction from the management and order from the management for terminating the services in the light of that order the services of the workman have been terminated.

In the instant case the appointment of the workman is irregular and against the guidelines laid down by the competent authority. The competent authority directed the

Inspector Postal Services to terminate the services of the workman and the services of the workman were terminated. The appointment in the instant case shall be deemed to be against the provisions, guidelines and rules.

It has been held in (2007) 9 Supreme Court Cases 353 as under :—

“Labour Law—Industrial Disputes Act, 1947—S.25—F—Relief to be given for violation of—Grant of compensation instead of reinstatement with full back wages—When warranted—Workman appointed as daily wagger, working for only a short period, raising industrial dispute almost six years after dismissal, and there being question as to the whether his appointment had been made in terms of the statutory rules in the first place—Held, relief of reinstatement with full back wages would not be granted automatically only because it would be lawful to do so—Several factors have to be considered, two of them being as to whether appointment in question had been made in terms of the statutory rules, and the delay in raising the industrial dispute—In present case, keeping in view the nature and period of services, and the delay in raising the industrial dispute, award of reinstatement with back wages substituted by compensation of Rs. 75,000/-.

It has been held by the Hon'ble Apex Court that it is not necessary that Tribunal should always pass the order of reinstatement if the work is not existing and the work is not of permanent and regular nature and if section 25 F of the ID Act is violated, appropriate order is the order for compensation.

There is delay in this case. The workman was removed in 1993 whereas he has raised this dispute in the year 1998 after five years of delay. His appointment was not as per statutory rules. The Hon'ble Apex Court has held that in such circumstances the workman should be given compensation.

It is admitted that the workman has not been paid any compensation.

It has been held in (1997) 8 SCC 767 by judgment of three Judges Bench that Post and Telegraph Department is an Industry. In view of this judgment of Hon'ble Apex Court DET is an Industry.

In view of the judgement of the Hon'ble Apex Court as referred to above, the workman is entitled to compensation of Rs. 50,000 (Rs. Fifty Thousand Only) in lieu of retrenchment compensation and one month's pay in lieu of notice.

The reference is replied thus :—

The action of the management of Post Offices represented by Superintendent of Post Offices, Buduan in terminating the services of Sh. Chander Sen, Ex. C. P. Chowkidar is neither legal nor justified. The management

should pay retrenchment compensation of Rs. 50,000/- (Rs. Fifty Thousand Only) in lieu of retrenchment compensation and one month's pay in lieu of notice within two months from the date of the publication of the award.

The award is given accordingly.

Date : 03-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 5 जून, 2008

का.आ. 1583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ब्राम न्यायालय नं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 92/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-2008 को प्राप्त हुआ था।

[का. सं. एल-40012/51/87-डी-II(बी)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 5th June, 2008

S.O. 1583.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 92/88) Central Government Industrial Tribunal/Labour Court, No. II New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 05-06-2008.

[F.No. L-40012/51/87-D.II(B)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.-II, NEW DELHI

Presiding Officer : R. N. RAI I.D. No. 92/1988

In the matter of :—

Shri Laxmi Kant Jha,
S/o. Sh. Surender Jha,
C/o. Delhi Labour Union,
Aggarwal Bhawan,
GT Road, Tis Hazari,
Delhi-110054.

Versus

The Chief Engineer, P&T (Civil),
Division No. 2, 1-3, Atul Grover Road,
Connaught Circus,

New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-40012/51/87-D-II(B) Central Government dt. 03-08-1988 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the termination of services of Sh. Laxmi Kant Jha, Jeep Driver w.e.f. 17-06-1987 by the Chief Engineer, P & T (Civil) is legal and justified? If not to what relief he is entitled."

The case of the workman is that he was engaged as Car Driver w.e.f. 17-02-1989. He was being treated as daily rated/casual/muster roll workman and continued as such till 16-06-1989. His services were terminated w.e.f. 17-06-1989 without assigning any valid reason. At the time of termination of his services no seniority list was displayed. No notice was offered or paid to the workman nor was any service compensation offered to him. The termination is illegal as it has been passed in breach of Section 25 F of the ID Act, 1947.

The case of the management is that the workman was engaged to function as Jeep Driver on a particular Vehicle No. DHC 1660 on daily rated basis @Rs. 21.50 per working day. The above said Jeep became un-serviceable and his services were no more required after 17-06-1989. He represented to the ALC. He was offered payment of retrenchment compensation at the recommendations of the ALC but the workman refused to take the same.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that after termination of his services junior workmen and fresh hands have been taken and their services have been regularized in breach of Section 25 F of the ID Act, 1947.

It was submitted from the side of the management that the Jeep was not properly functioning so it was discarded and his services were subsequently terminated. No fresh hands have been engaged. There was only one Driver.

The workman has stated in his cross-examination that one Driver Sh. Daya Nand on regular basis is still working. He has admitted that he has been paid the dues

on the basis of Hon'ble Supreme Court judgment of equal pay for equal work.

The management witness has admitted in his cross-examination that a new Jeep has been purchased but the Driver was regular one and working on that Jeep. No permission for retrenchment was obtained from the Government.

It transpires from perusal of the record that the Jeep went out of order. It was discarded and so the services of the workman were terminated. Sh. Daya Nand, Driver was already working with the department so he was continued when a new Jeep was purchased. The workman has not proved that the management has acted in breach of Sections 25 F, G & H of the ID Act, 1947. It is true that he has not been paid retrenchment compensation and one month's pay in lieu of notice. He has not proved that any post is still vacant.

Sh. Daya Nand the present Driver was continued as he was working as Driver prior to this workman. No fresh hands have been taken. The retrenchment is illegal, no doubt but no post exists. No fresh hands have been taken after illegal termination of the workman, so the workman is only entitled to retrenchment compensation in view of the judgment of the Hon'ble Apex Court.

It was submitted from the side of the management that in (2007) 9 SCC 353, the Hon'ble Apex Court has held that reinstatement with full back wages should not be granted automatically only because it would be lawful to do so. Several factors should be considered just as statutory rules and delay in raising the dispute.

In view of the above judgement the workman is entitled to retrenchment compensation as his appointment was not statutory and there is no breach of Section 25 G & H of the ID Act, 1947. The management should pay Rs. 50,000/- as retrenchment compensation and pay in lieu of notice.

The reference is replied thus :—

The termination of services of Sh. Laxmi Kant Jha, Jeep Driver w.e.f. 17-06-1987 by the Chief Engineer, P & T (Civil) is neither legal nor justified. The workman is entitled to a compensation of Rs. 50,000 (Rs. Fifty Thousand Only) by way of retrenchment compensation and one month's pay in lieu of notice within two months from the date of the publication of the award.

The award is given accordingly.

Date : 23-05-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 5 जून, 2008

का.आ. 1504.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केंद्रीय सरकार दूर संचार विभाग के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुरोध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकारी/

श्रीम न्यायालय नं.-II, नई दिल्ली को पंचाद (संदर्भ संख्या 42/94) को प्रवर्तित करती है, जो केन्द्रीय सरकार को 5-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-40012/201/92-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 5th June, 2008

S.O. 1584.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 42/94) Central Government Industrial Tribunal/Labour Court No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 05-06-2008.

[F. No. L-40012/201/92-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

Presiding Officer : R. N. RAI. I.D. No. 42/1994

In the matter of :—

Shri Ali Jan Mohammed,
C/o. V. K. Gupta,
2/363 Nanner,
Agra (UP).

Versus

The D.E.T.
Telecome Department,
Aligarh (UP),
PIN: 202 001.

AWARD

The Ministry of Labour by its letter No. L-40012/201/92-IR(DU) Central Government dt. 05-05-1994 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of D.E.T., Aligarh in terminating the services of Sh. Ali Jan Mohammed is legal and justified ? If not, what relief he is entitled to?”

The case of the workman is that he was appointed as casual labour at the office of DET, Aligarh and worked during 1989 till December, 1993.

That his services were illegally and arbitrarily terminated on 31-12-1993 without written orders and without any retrenchment compensation as he has completed 240 days continuous service in one calendar year. Juniors to him were retained in service and new hands have been

appointed in violation of Sections 25 F, G & H of the ID Act, 1947.

The case of the management is that the workman was engaged as casual labour for completion of the specific work. After completion of the work the workman was relieved. There is no question of paying retrenchment compensation. The respondent is not an Industry.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

The award has been given in this case by predecessor P.O., Sh. Ganpati Sharma in the year 1997 holding that P & T Department is not an Industry and it has been set aside subsequently and the case has been again re-stored to its number.

It was submitted from the side of the workman that he has worked for 162 days in the year 1991, 111 days in the year 1992 and 243 days in the year 1993.

It was also submitted that the muster roll list of the casual labourers were prepared counting working days from 17-12-1992 to 17-12-1993. The workman has worked for 240 days from 17-12-1992 to 17-12-1993 but his name has not been illegally included in the muster roll list.

It was submitted from the side of the management that the workman was given specific work. He has filed false certificate of the officers. He has not performed 240 days in the year 1993 so, his name was not rightly included in the list of muster roll casual labourers.

It was also submitted that the management is not and industry, so the provisions of ID Act, 1947 are not applicable to the management.

The workman has filed certificates issued by the management. The certificate is on the letter head of the management and it bears the seal and signature of the management. The workman has filed four documents. All the documents bear the signature of either Sub-divisional Engineer or Assistant Engineer.

From these documents it becomes quite obvious that the workman has worked for 162 days in the year 1991, 111 days in 1992 and 243 days in 1993. The workman has stated in his cross-examination that all the documents were given to him by the Clerk. He has named the employees who gave him the certificate regarding his working days.

The management witness has stated in his cross-examination that he does not know about the documents

Ex. WW1/1 to WW1/4. He has also stated that he did not know if the documents were issued to the workman by the respondent management.

The management witness has also stated in his cross-examination that no temporary worker is working at present. All the temporary workers till 17-12-1993 have been regularized by the respondent. Thus, the management witness has not denied specifically the certificate issued by the department. The certificates bear the seal and signature of the officers of the management. These certificates are on letter head of the management so, it cannot be said that the certificates were forged.

The management has not examined the signatories of the 4 documents to establish that the signatures are forged. The management witness has expressed his unawareness about the 4 certificates issued by the department.

In certain cases photocopy documents are admissible in evidence, if the same has not been denied specifically.

I have perused the muster roll list filed by the management. On perusal of the list it becomes quite obvious that the workman Gauri Shankar has worked for 101 days from 17-12-1992 to 17-12-1993 and he was found eligible. The workman Sh. Shanti Swarup has worked for 32 days in between 17-12-1992 to 17-12-1993 and he was found eligible and his name has been entered in the muster roll list.

The management witness has stated in his cross-examination as under :—

"I do not know if Sh. Desh Raj, Vinod, Netrapal and Khem Singh are juniors to the workman and they have been regularized by the department. The muster roll Incharge maintains the register of work. No temporary worker is working at present. Temporary workers were working during the period 1989 till 1993. All the temporary workers till 17-12-1993 have been regularized by the respondent."

From perusal of the statement of cross-examination of this witness it becomes quite obvious that he has not denied that Sh. Desh Raj, Vinod, Netrapal and Khem Singh were not juniors to the workman. As such the management has regularized the junior workmen just as Desh Raj, Vinod, Netrapal and Khem Singh whereas the name of this workman has not been included in the muster roll list prepared in December, 1993. The eligibility criteria were 240 days from 17-12-1992 to 17-12-1993. This workman has worked for 241 days during this period and even the few workmen who have worked for 101 and 32 days have been found eligible and their names have appeared in the muster roll list.

It becomes quite obvious from perusal of the muster roll list that the management has included junior casual labourers in the muster roll list whereas the case of this workman has not been considered and his name has not

been included in the muster roll list. The management has acted in breach of Sections 25 G & H of the ID Act, 1947. This workman was eligible for being included in the muster roll list prepared in December, 1993 of all the casual labourers whose names appeared in the muster roll list have been regularized. The case of this workman has not been considered illegally and mala fide by the management.

It was submitted from the side of the management that the respondent is not an Industry and the workman has approached the CAT for regularization but this case has been dismissed by the CAT.

It was decided by the D.B. of the Hon'ble Supreme Court and it was held that Telecom Department is not an Industry but later on this matter was referred to a Larger Bench of 3 Judges and it has been held in (1997) 8 SCC 767 by the Hon'ble 3 Judges that Post and Telegraph Department is an Industry, in view of the Constitution Bench Judgement of the Bangalore Water Supply of 1978. As such it has been held by the Hon'ble Apex Court that Post and Telegraph Department is an Industry and there appears no merit in the argument of the management that Post and Telegraph Department is not an Industry.

O.A. filed by the workman may have been dismissed by the CAT. The management is an Industry. CAT has no jurisdiction to decide the case of industrial workers. The judgment of CAT has no binding effect as it is without jurisdiction.

The management is an Industry in view of the above said decision of 3 Judges Bench of Hon'ble Supreme Court and the petitioner is a workman.

The workman has worked for 241 days in the year 1993 and all the casual labourers who have worked for 240 days up to December, 1993 and even those who have performed 101 days and 32 days duties within that period have been enrolled in muster roll list but the management has deliberately and with mala fide intention ignored the case of this workman and he has been illegally removed from service. His name should have been included in the muster roll list prepared in the year 1993 but the management has illegally ignored the case of the workman. He deserves being included in the muster roll list prepared in the year 1993.

The reference is replied thus :—

The action of D.E.T., Aligarh in terminating the services of Sh. Ali Jan Mohammed is neither legal nor justified. The management should reinstate the workman along with 25% back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date : 5-6-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 6 जून, 2008

क्र.आ. 1585.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधक के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि करण/श्रम न्यायालय नं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 74/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/94/96-आईआर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 6th June, 2008

S.O. 1585.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/1997) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workman, received by the Central Government on 05-06-2008.

[F. No. L-12012/94/1996-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
NEW DELHI**

Presiding Officer : Shri R. N. RAI.

I.D. No. 74/1997

In the matter of:—

Shri S.C. Jain,
R/o. C-21, Shasgi Garden,
Mayur Vihar,
Delhi-110092.

Versus

The General Manager,
Punjab National Bank,
Head Office, 7, Bhikaji Cama Place,
Africa Avenue,
New Delhi-110066.

AWARD

The Ministry of Labour by its letter No. L-12012/94/96-IR(B-II) Central Government Dt. 20-05-1997 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the management of Punjab National Bank in dismissing the services of

Sh. S.C. Jain, Special Assistant w.e.f. 21-7-1994 is legal and justified? If not, to what relief the said workman is entitled."

The case of the workman is that in the year 1992 when he was posted at Summer Field School Extension Counter of the bank under its Greater Kailash, Pt. I, New Delhi Branch he was placed under suspension by an undated order and was followed by a charge-sheet dated 6-11-1992. The Inquiry Officer started the inquiry on 29-6-1993 and concluded it on 8-3-1994.

That the order of the competent authority empowering the Chief Manager, Greater Kailash, Pt. I, New Delhi Branch was not furnished to the workman as required by Clause 19.14 of BPS. A charge-sheet was issued 10½ months from the date of suspension. All the documents were not made available to the workman so he could not defend in the inquiry. The inquiry was unfair. The principles of natural justice have not been observed. The charge-sheeting authority has confirmed the charges without considering any evidence to support the charges and has left it entirely to the PO to decide and to choose the document and witnesses. The Inquiry Officer has admitted illegally all the documents filed by the PO without any proof. The DA and AA did not pass reasoned order. The findings of the Inquiry Officer are perverse.

The case of the management is that while officiating as Incharge of Summer Fields School Extension Counter of GK-I, Shri Jain committed fraud and embezzled various amounts on various dates aggregating to Rs. 12,982.

When the embezzlement committed by Shri Jain was detected by the Bank, Shri Jain was placed under suspension on 22-12-91. Shri Jain submitted two letters one dated 20-12-91 and the other undated wherein he in effect admitted the gross negligence and embezzlement committed by him and also agreed to deposit the various amounts of which embezzlement was detected/would be detected.

In his above letters, he also stated that in case there is any shortcoming of any manner in the extension counter noticed pertaining to period of his stay, he may be held responsible for the same. In view of his submissions it became necessary for the bank to verify the complete record of the Extension Counter particularly relating to the period for which Shri Jain was posted there to find out that there are any more omissions/commissions were observed on his part which were also considered for the purpose of serving of charge sheet.

In charge-sheet dated 6-11-1992 was served upon him for the various acts of omission/commission committed by him. Shri Jain submitted reply dated 15-1-1993 in response to the above charge-sheet which was considered by the Disciplinary Authority who decided to constitute Departmental Enquiry to look the truth of allegations leveled

against him. The Enquiry Officer conducted the enquiry proceedings wherein Shri Jain was afforded sufficient opportunity to defend himself. After conducting the enquiry the EO submitted his report to the Disciplinary Authority and gave the findings that charges against Shri Jain are established. Disciplinary Authority after carefully going through the Enquiry Report and Enquiry Report concurred with the Findings of Enquiry Officer. Banks are public institutions and employees are expected to act with utmost honesty and integrity since the public entrusts its money with the Bank.

Shri Jain had not only betrayed the confidence reposed in him but also caused substantial financial loss to the Bank and had thus lost the trust of the Bank.

In terms of the provisions of the Bipartite Settlement and principles of natural justice the Disciplinary Authority issued a show cause notice dated 4-7-94 proposing punishment of dismissal without notice and fixed personal hearing for 17-7-94. Shri Jain appeared for personal hearing and submitted reply dtd. 15-7-94 to the show cause notice dated 4-7-94 and placed his defence before the Disciplinary Authority. The Disciplinary Authority passed speaking orders dated 21-7-94 stating inter-alia that he did not find any reason to reconsider the proposed punishment and proposed punishment of dismissal without notice was confirmed vide Disciplinary Authority Order dtd. 21-7-94.

From the above it is apparent that the enquiry was held in fair and proper manner and punishment was imposed adhering to the provisions of Bipartite Settlement. Full opportunity was afforded to Shri Jain to place his defence and be represented by his Defence representative.

Shri Jain appealed to the Appellate Authority vide appeal dated 3-5-94 and his appeal was considered by the Appellate Authority and after considering the Enquiry record and Enquiry report the Appellate Authority rejected the Appeal and upheld the proposed punishment of Disciplinary Authority vide his order dated 28-3-95 after affording a personal hearing to Shri Jain on 14-11-94.

In terms of para 19.14 of the Bipartite Settlement, the Chairman & Managing Director has appointed various Disciplinary Authorities, which were circulated vide bank's circular No. 1012 dated 13-4-87. In the year 1991, the Greater Kailash-I branch was a large branch and accordingly for the workmen-staff posted at the said branch, Regional Manager, South Delhi was the Disciplinary Authority. Shri Jain was placed under suspension under instructions of the Regional Manager. Keeping in view the frauds committed by Shri Jain. Subsequently, when the branch was upgraded to extra large branch, which was headed by a Chief Manager, according to the above circular 1012, Chief Manager became the Disciplinary Authority. The Chief Manager as Disciplinary Authority served charge sheet dated 6-11-92 and took final decision in the case.

As such, the action taken by the Chief Manager as Disciplinary Authority is in accordance with the provisions of the Bipartite Settlement. It is incorrect to say that the Chief Manager was not empowered to take disciplinary action.

The reasons for serving charge sheet on 6-11-92 cannot be attributed to the bank as Shri Jain had himself admitted in his letter dtd. 20-12-91 that in case there is any shortcoming in any manner observed on his part during the period of his stay at B.C. Summer Fields School, then he may be held responsible for the same. This submission was a pointer to the bank that more omissions/commissions are likely to be existing, hence it became necessary for the bank to conduct inspection of the whole records and thereafter only, served a complete chargesheet. The charge sheet finally served on Shri Jain contained the complete details of the charges leveled against him. It is incorrect to state that the charge sheet was not giving the complete particulars that he could not give reply effectively. In fact, sufficient opportunity was afforded to him including permission to inspect the records. After inspection of the record, Shri Jain was able to submit a detailed reply dated 15-1-1993.

Shri Jain submitted two letters (one dated 20-12-91 and other was undated) of his own violation and admitted that he is responsible for :

Making payment of Rs. 2000 on 12-10-91 without debiting the same in the A/c. No. 7294 of Shri Amar Singh.

Making payment of Rs. 10,000 on 26-10-91 without debiting the same in the A/c. No. 7294 of Shri Amar Singh.

For not making entry in cashbook of an amount of Rs. 8100 of A/c. No. 7339 although this amount was deposited by the A/c. holder in his A/c. cash and a related entry was made in the Ledgers.

Not crediting amount of Rs. 1681 in the school A/c in these cases, the amount having been deposited by the parents/students.

In addition, he also stated inter-alia, that he is depositing amounts as under :—

Rs. 12,000 related to A/c. No. 7294.

Rs. 8,100 related to A/c. No. 7339.

Rs. 1,681 related to school A/c.

He had even authorized the bank to recover the amounts of claim of the school from his salary. From the contents of these two letters, the only conclusion that can be is admission of his lapses on his part by Shri Jain.

The charge sheet narrated the allegations against him. There was no pre-conclusion assumed by the bank as alleged. Bank did conduct a departmental/enquiry to find out the truth of charges leveled against him.

There was no infirmity in the contents of the charge sheet. Moreover, it is not necessary that the evidence on basis of which charges are framed are to be disclosed in the charge sheet. Moreover bank had never denied opportunity to inspect the relevant to him during the enquiry.

While constituting the enquiry, the Disciplinary Authority had clearly stated that the reply has been considered and is not found satisfactory due to which it was necessary to find out the truth. For this purpose, the Enquiry Officer was appointed.

From the details of the enquiry proceedings held on 7-7-93, 4-8-93 and 16-8-93. It is evident that the list of documents and witnesses submitted by the Presenting Officer was provided to Shri Jain who himself had attended the enquiry proceedings also. (Kindly verify whether Shri Jain was present on these dated or not and accordingly necessary, this part may be modified).

Shri Jain had not raised any objection towards the documents relied upon and presented during the enquiry. Accordingly, the documents were taken as exhibits and the contents of same were also confirmed by the management's witness Shri Y.R. Verma, Asstt. Manager (since resigned from the bank service). This fact is also admitted by Shri Jain in para 3(I) of claim statement.

From the records of the enquiry, it is evident that there was only documentary evidence to establish the charges and the same were relied upon. Shri Jain had failed to conduct admission/denial of these documents, the same were confirmed by the Management's witness. Thereafter, an opportunity was afforded to Shri Jain to cross examine the witness. (Kindly ensure the factual position from the enquiry proceedings with regard to cross examination of Shri Verma is stated here). Reasonable opportunity was afforded by the Enquiry Officer to Shri Jain for his defence in view of principles of natural justice.

The show cause notice as well as the final order are speaking orders as they give the essential ingredients. These orders refer to the charges leveled, findings of the Enquiry Officer, consideration of the same by the Disciplinary Authority and application of mind on the whole enquiry record etc. Hence, the allegation that the orders are not reasoned is far from facts. Disciplinary Authority had accepted not reasoned is far from facts. Disciplinary Authority had accepted the findings of the Enquiry Officer. The Enquiry conducted was fair and proper.

The action of the bank having dismissed Shri Jain from bank's service after holding a fair and proper enquiry is legal and justified particularly in view of the nature of the banking industry, viz banks are financial institutions whereupon the public entrusts its hard earned money in the shape of savings, fixed deposits etc. The conduct of employees is required to be above board so that public can

repose its confidence in them. In the instant case the E.C. functioning at the school was for the purpose of mainly collection of fees of the students, maintaining of school account etc. Shri Jain had misappropriated the funds tendered to him for deposit towards fees of the students or in other accounts etc. whereby he lost the confidence reposed in him. Hence the punishment of dismissal is proportionate to the gravity of the charges found established against him after holding a fair and proper enquiry.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the charges were confirmed without considering the evidence. He was not provided all the documents. The Inquiry Officer admitted all the documents filed by the PO. The workman could not know the notification of the competent authority.

It was further submitted from the side of the management that while working as Incharge at the extension counter Summer Field School, GK-I, New Delhi, the workman committed various omissions which reveals that he performed his duties with gross negligence and embezzled various accounts due to which the bank suffered a loss of Rs. 24,247 = + interest.

It was submitted from the side of the workman that the Chief Manager of the Branch of the bank was not competent authority to issue charge-sheet to the workman. It is apparent from the Personnel Division Circular No. 1012 that the incumbent Incharge of each office is empowered to issue charge-sheet on the defaulting workman after obtaining proper approval of the competent authority. In extreme case where an employee is involved in a fraud and serious nature of mis-conduct and commits act riots behaviour in the premises of the bank, the incumbent Incharge may take action and get approval of the competent authority.

In the instant case charge-sheet has been issued legally and validly.

From perusal of the inquiry proceedings it becomes quite obvious that the management has examined only one witness and he has filed all the documents. The workman was assisted by his defence representative. The inquiry proceeding reveals that the workman along with his DR participated in the inquiry and after conclusion of the inquiry the Inquiry Officer directed them to file written briefs.

From perusal of the charge-sheet it becomes quite obvious that the workman made payment of Rs. 2,000 on 12-10-91 without debiting the same in the A/c. No. 7294 of Sh. Amar Singh. He made payment of Rs. 10,000 on 26-10-91 without debiting the same in the account of Sh. Amar Singh. He did not make entry in cash book of Rs. 1,100 of A/c. No. 7339. He did not credit the amount of Rs. 1681 in the SB A/c. deposited by the parents/students.

The workman deposited Rs. 12,000 related to A/c. No. 7294, Rs. 1,100 related to A/c. No. 7339, Rs. 1681 in School Account. He authorized the management to recover these amounts from his salary and Rs. 20,000 has been recovered from his salary.

From perusal of the inquiry also it becomes quite obvious that all the documents have been filed in the course of inquiry and copy of the same was given to the workman. These were in the handwriting of the workman.

It also becomes quite obvious from perusal of the inquiry that the workman has not denied the documents filed during the course of inquiry.

It is settled law that in domestic inquiry strict rules of evidences are not applicable. In the instant case the management has examined MW1 and he has filed all the relevant documents. The workman has participated in the inquiry along with his defence representative.

It is settled law that in a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. The departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Evidence Act."

The sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record.

It has been held in 1972 (25) FLR 45 as under :—

An Industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is possible for some other authority to arrive at a different conclusion on the same evidence.

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 (89) FLR 427 as under :—

"It is well settled that a conclusion or a finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the materials, the conclusions cannot be that of a reasonable man."

From perusal of this judgment it becomes quite obvious that the Tribunal can interfere with the findings of the Enquiry Officer in case it is perverse. The Enquiry Officer has based his findings on oral as well as documentary evidence. It cannot be said that there is absolute absence of any evidence in support of the findings of the Enquiry Officer.

From perusal of the inquiry proceedings it becomes quite obvious that the management examined one witness. He produced all the documents. Most of the documents were in the handwriting of the workman. The workman has himself deposited the embezzled amount and he authorized the bank to recover the amounts of claim of the School from his salary. The documents are themselves proof of embezzlement. The workman has not denied the documents.

The findings of the Inquiry Officer are based on proper analysis of evidence. The order of DA as well as AA are reasoned one. No interference is required.

The punishment imposed is neither dis-proportionate nor shocking to the conscience of the Court. The workman has committed acts of grave mis-conduct by making false credits and withdrawing money fraudulently. No interference even in the punishment is required.

The reference is replied thus :—

The action of the management of Punjab National Bank in dismissing the services of Sh. S.C. Jain, Special Assistant w.e.f. 21-7-1994 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 3-6-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 6 जून, 2008

क्र.आ. 1586.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोषरा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/क्रम न्यायालय नं-2, नई दिल्ली के चंचल (संदर्भ संख्या 71/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-08 को प्राप्त हुआ था।

[फा सं. एल-12012/92/96-आईआर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 6th June, 2008

S.O. 1586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 71/1997) of the Cent. Government Indus. Tribunal-cum-Labour Court No. 2 New Delhi as shown in the *Annexure*, in the industrial dispute between the management of Canara Bank and their workman, received by the Central Government on 5-6-2008.

[No. L-12012/92/1996-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER :
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT-II, RAJENDRA BHIVAN,
NEW DELHI

PRESIDING OFFICER: R. N. RAI

L.D. No. 71/1997

IN THE MATTER OF:

Shri Surender Kumar,
B-1/13, Sultanpuri,
Delhi-110041.

Versus

The Manager,
Canara Bank,
Rajouri Garden,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12012/92/IR-(B-II) Central Government Dt. 19-5-1997 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether Sh. Surender Kumar has worked with the management of Canara Bank as Part-time Sweeper for 419 days during 1-5-1987 to 31-12-1989 to 11-8-1989 to 11-4-1992? If so, whether the action of the management of Canara Bank in terminating the services of Sh. Surender Kumar, Part-time Sweeper w.e.f. 11-04-1992 and thereafter not providing his one time opportunity for regular appointment as per Government's instructions No. L-12012/57/93-IR(B-II) dated 2-9-1993 is legal and justified? If not, to what relief the said workman is entitled and from what date.”

The case of the workman is that he was recruited in the services of the Canara Bank at its Rajouri Garden, New Delhi Branch to work as a Sweeper against the leave vacancy of a permanent Sweeper. The bank has provided him certificate regarding his work from 17-8-1989 to 11-04-1992.

The workman has become a protected employee in view of his services for more than 240 days in a calendar year.

The case of the management is that the workman has worked against leave vacancy as part time sweeper of the bank from May, 1987 to December, 1987 for 183 day on day to day basis and again from 1989 to 11-4-1992 for 115 days on various dates. He was engaged for few hours in a days in the leave vacancy of TTE for the clening the premises.

The workman has worked for 1183 days in 1987, 70 days in 1989, 40 days in 1990 and 41 days in the year 1992.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was worked for 240 days in every year of his employment. He was removed without payment of retrenchment compensation and one month's pay in lieu of notice.

It was submitted from the side of the management that the workman has worked from 1987 to 1992. He has not performed 240 days in any of the years of his employment.

From perusal of the records it becomes quite obvious that the workman has not filed any documentary evidence in support of his working days. He has relied on the certificate filed by the management.

It is admitted to the management that the workman has worked for 338 days from May, 1987 to 11-4-1992. The management has filed certified list of working days of the workman. The workman has worked for 183 days from May, 1987 to December, 1987. He has worked for 33 days from August, 1989 to December, 1989. He has worked for 55 days in the year 1990. He has worked for 27 days in 1991 and 14 days in 1992.

The workman has filed certificate dated 11-12-1988 in which it has been mentioned that the workman has worked from 1-5-1987 to 31-12-1987 against leave vacancy.

The case of the workman is that he was engaged against leave vacancy.

The working days of the workman in different years indicate that he was given engagement when some staff was on leave. The workman has not filed any document to prove that he has worked for 240 days in any of the years of his employment i.e. 1987, 1988, 1989, 1991 & 1992. His entire case is that he worked for 419 days from 01-05-1987 to 11-04-1992. It also shows that he has not worked for 240 days in any of the years of his engagement. The workman has not filled any cogent documentary evidence to prove that he has worked for 240 days in any of the

years of his engagement. He has worked for 183 days in 1987 and for less than 100 days in other years of his engagement as has been mentioned above.

It has been held in *Crystal Electricals Vs. State of Punjab* 1988 II LLJ 417 that the provisions of section of 25 F of the ID Act, 1947 apply only when the workman has completed 240 days in 12 months preceding the date of his termination. The services of the workman were terminated on 11-04-1992. He has worked for 14 days in 1992, 27 days in 1991 and 55 days in 1990 so, he has not worked for 240 days either in a calendar year or within 12 months preceding the date of his termination.

It is settled law that affidavits are self serving. On mere assertions in the affidavit it cannot be held that the workman has completed 240 days in all the years of his engagement. This workman has not completed 240 days in any of the years of his engagement, so Section 25 F of the ID Act, 1947 is not attracted.

The workman applicant has worked with the management of Canara Bank as part-time sweeper from 01-05-1987 to 31-12-1987 and 17-08-1989 to 11-04-1992. He may have completed 419 days in between May, 1987 to 11-04-1992. He has not performed 240 days in any of the years of his employment or 240 days preceding the date of his termination.

The reference is replied thus :—

The action of the management of Canara Bank in terminating the services of Sh. Surender Kumar, part-time sweeper w.e.f. 11-04-1992 is legal and just. The action of the management in not providing him one time opportunity for regular appointment as per Government instructions No. L-12012/57/93-IR (B-II) dated 02-09-1993 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 05-06-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 6 जून, 2008

का.आ. 1587.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय नं-2, नई दिल्ली के पंचाट (संदर्भ संख्या 26/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-08 को प्राप्त हुआ था।

[फा. सं. एल-12012/185/2003-आई.आर. (बी-II)]

राजिंदर कुमार, डेस्क अधिकारी

New Delhi, the 6th June, 2008

S.O. 1587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award Ref. 26/2004 of the Central Government Industrial Tribunal cum-Labour Court No. 2, New Delhi as shown as in the annexure, in the industrial dispute between the management of Bank of India, and their workman, received by the Central Government on 05-06-2008.

[F.No. L-12012/185/1996-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM-
LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R. N. RAI

L.D. No. 26/2004

IN THE MATTER OF:

Shri Ramesh Chander,
S/o. Shri Hari Krishan,
R/o. 1196/30, Chhotu Ram Colony,
Kancheli Road
Rohtak-124001 (Haryana).

Versus

The Zonal Manager,
Bank of India,
Zonal Office : SCO-181182,
Sector 17-C, Chandigarh.

AWARD

The Ministry of Labour by its letter No. L-12012/185/2003/IR(B-II) CENTRAL GOVERNMENT Dt. 19-01-2004 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Bank of India in terminating the services of Sh. Ramesh Chander, S/o. Sh. Hari Kishan, Sub-staff Daftari w.e.f. 19-04-2002 is just and legal? If not, to what relief the workman is entitled.”

The case of the workman is that he was employed on 01-09-1989 as Daftari. On 08-01-2002 he was marked late and submitted an application. Instead of considering the application, Sh. Lomar marked red line in the attendance register and abused the workman.

That on 23-01-2002 the workman was given charge-sheet for abusing Sh. Lomar and assaulting him and causing injury. The list of witnesses of preliminary was not given to him. That the workman was denied assistance of DR in the inquiry.

The workman was not fully conversant with the procedure of the enquiry and its technicality thereof. He was made to admit charges under coercion and pressure. The manager, Sh. A.S. Lomar on JPS Jainwal assured the workman that the matter will be compromised if he admits

the charges in writing. The incident of assaulting did not happen in the premises. That the medical officer who prepared the report has not been examined. The Inquiry Officer has not considered the defence evidence in his report. The findings of the Inquiry Officer are perverse. The DA and AA acted with closed mind. The workman was beaten and assaulted by Sh. Lomar. The inquiry is not fair.

The case of the management is that he came late in the branch on 08-01-2002 which was questioned by Sh. Attar Singh Lomar Dy. Manager (Adm.), the workman misbehaved with the officer and uttered filthy and derogatory language against him.

The workman assaulted Sh. Lomar and in the scuffle grabbed his palm and put in his jaw, Sh. Lomar bled profusely. He suffered a wound he was taken to the hospital and got his palm stitched. A fair inquiry has been held. The workman has participated in the inquiry. He has cross-examined all the witnesses. He has produced five witnesses. The punishment awarded is also proportionate in view of the abusing language used by the workman and biting his palm with teeth by the workman.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the side and perused the papers on the record.

It transpires from perusal of the order-sheet that inquiry was held vitiated on the grounds that witnesses of preliminary inquiry were not examined by the Inquiry Officer. The workman was asked to cross-examine the witnesses on their deposition in the preliminary inquiry. The management has examined all the witnesses in the court. This cross-examination was done by the workman.

It was submitted from the side of the workman that he went late and red line was drawn in the attendance register and the workman submitted application for going late but the Dy. Manager was annoyed and assaulted the workman. While beating, the hand of the Dy. Manager went into his mouth so he had teeth injury on his palm.

It was submitted from the side of the management that the workman misbehaved with the Dy. Manager, Sh. Lomar and bit his palm with his teeth and injury was caused to Sh. Lomar. He was taken to hospital by an employee of the bank and he got his palm stitched. Proper charge-sheet has been served on the workman. The management has examined in cross Sh. Lomar, Sr. Manager, JPS Jainwal, Sh. Ashok Kr., Sh. A.S. Lomar. The workman has cross-examined all the three witnesses. The workman has himself filed affidavit. He has also been cross-examined by the management. Sh. Ashok Kumar, an employee of the

bank has deposed that when he reached the bank he heard some shouting. The altercation was going on outside the premises of the bank. He got Sh. Lomar and the workman separated. He took Sh. Lomar to Dr. as blood was coming out of his head.

Sh. A. S. Lomar has examined himself. He has stated in his cross-examination that the workman after giving leave application for one day on 01-01-2002 went towards the main gate grumbling and abusing him. He took up his cycle and went out.

The management has examined the Inquiry Officer, Sh. JPS Jainwal. He has recorded the statement of Sh. Lomar and Sh. Ashok Sharma, Staff Clerk.

The inquiry was found vitiated as the Inquiry Officer did not record examination-in-chief on Sh. Lomar the complainant and Sh. Ashok Kumar, Staff Clerk in the presence of the charge-sheeted employee.

It is settled law that examination-in-chief of a witness should be recorded in the presence of charge-sheeted employee. I found the inquiry vitiated on this ground alone. The management has examined those two witnesses who were cross-examined by the workman at their statement of preliminary inquiry. These witnesses have been examined in the presence of the workman. The workman has cross-examined these two witnesses as such the findings of the Inquiry Officer are to be considered in the light of the evidence of these two witnesses and all the other witnesses who have deposed in the course of the inquiry.

I have perused the proceedings of the inquiry. It was submitted that the incident took place outside the premises so domestic inquiry cannot be held for the misconduct which took place outside the bank premises.

It appears that the workman went late to join his duty and he was marked absent and he submitted application and he abused Sh. Lomar as he has marked him absent. When Sh. Lomar tried to stop him using abusive language an altercation took place the workman caught hold of the palm of Sh. Lomar under his teeth and bit it. Sh. Lomar received serious injury. It has been proved that he was taken to the hospital where the wound was stitched.

The workman has also examined five witnesses. It appears that these witnesses were not at the spot as they have stated that this workman Sh. Ramesh Chander fell down and Lomar went on beating.

All the witnesses examined in the court as well as in the course of inquiry have corroborated the incident. The defence witness has been examined in the course of the inquiry. They were not eye witness as they have giving wrong narration of the entire incident.

The occurrence took place inside the premises. The workman went on using abusing language to the Dy. Manager so he tried to catch hold of him and bring him in the premises but the workman bit his palm and he got serious injury. The workman has not sustained any

injury in the incident. He has filed affidavit no doubt but it is not of the same day. It appears to be got prepared in defence.

The charges levelled against the workman are found proved on the evidence adduced in the court and evidence adduced before the Inquiry Officer. The management has examined the Inquiry Officer in court also. The management has not violated the principles of natural justice. Proper opportunity has been given to the workman to cross-examine the witnesses and to adduce his own evidence. He has adduced defence evidence in the inquiry as well before the Tribunal. The principles of natural justice have been observed. The inquiry is fair.

It is settled law that in a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. The departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Evidence Act."

The sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record.

It has been held in 1972 (25) FLR 45 as under :—

An Industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence.

From perusal of the inquiry it becomes quite obvious that the management examined Sh. A.S. Lohmar, Sh. Ashok Sharma & Sh. Diwaker Kapoor in course of the inquiry. The Inquiry Officer did not record the examination-in-chief of Sh. A.S. Lohmar and Sh. Ashok Sharma in the presence of the charge-sheeted employee, so a preliminary finding was given that the inquiry was not fair.

The management has examined in the Court Sh. A.S. Lohmar and Sh. Ashok Sharma in the presence of the CSE and these two witnesses have been cross-examined by the workman. The management has also examined by the workman. The management has also examined the Inquiry Officer in Court and the Inquiry Officer has been cross-examined by the workman, the CSE.

The statement of Sh. Lohmar and Sh. Sharma has become admissible in evidence as they have been examined in court in the presence of the CSE. These witnesses have proved the biting of the palm of Sh. Lohmar by the CSE.

The CSE came 10 minutes late on 08-01-2002, so red mark was put on the attendance register. The workman moved and application for leave on the table of Sh. A.S. Lohmar and started abusing while going out, so the incident took place inside the premises. It might be that when the workman was going outside hurling abuses on Sh. Lohmar he might have tried to catch hold the workman but the workman got hold of his palm and bit with his teeth.

In a domestic inquiry it is not necessary to examine the medical officer. The witnesses have deposed that they took him to hospital and his palm was stitched. In a domestic inquiry such evidence is admissible. Even hearsay evidence is admissible for domestic inquiry.

From perusal of the inquiry proceedings it becomes quite obvious that the workman used abusive language to the Dy. Manager as he has put a red line against the name of the workman in the attendance register. There is every possibility that the workman might have been annoyed. He moved application for leave and while going out, of grudge he uttered abusive language to Sh. Lohmar, Dy. Manager. The entire incident is proved by the witnesses examined before the Inquiry Officer and the witnesses examined in the Court.

In the instant case the inquiry is fair and proper. No interference is required.

The reference is replied thus :—

The action of the management of Bank of India in terminating the services of Sh. Ramesh Chander, S/o. Sh. Hari Kishan, sub-Staff, Daffri w.e.f. 19-04-2002 is just and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 04-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 6 जून 2008

का.आ. 1588.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युनिकल बैंक ऑफ इंडिया के प्रबंधन के संघर्ष निरोधकों और उनके कार्यकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/सम न्यायालय नं-2, नई दिल्ली के पंचाट (संदर्भ संख्या 48/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-08 को प्राप्त हुआ था।

[का.सं.एल-12012/354/94-आई.आर. (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 6th June, 2008

S.O. 1588.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 48/1995 of the Central Government Industrial Tribunal-cum-Labour

Court No. 2, New Delhi as shown in the annexure, in the industrial dispute between the employers in relation to the management of Union Bank of India, and their workman, received by the Central Government on 05-06-2008.

[F.No. L-12012/354/94-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER:
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM-LABOUR COURT-II, NEW DELHI**

PRESIDING OFFICER: R/N. RAI

L.D. No. 48/1995

IN THE MATTER OF:

Smt. Vijay Lakshmi Malhotra,
R/o. HP 144, Mourya Enclave,
Pitampura, Delhi-110034

Versus

The Zonal Manager,
Union Bank of India,
26/28 D, Zonal Office, Cannaught Circus,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-12012/354/94/IR(B-II) Central Government Dt. 04-04-1995 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the management of Union Bank of India New Delhi in dismissing Smt. Vijayalakshmi Malhotra Clerk from services w.e.f. 12-04-1993 is legal and justified? If not, to what relief is Smt. Vijayalakshmi Malhotra entitled to."

The case of the workman is that she was awarded the punishment of dismissal without notice and warning by the Inquiry Officer vide his order dated 12-04-1993 in the matter of charge-sheet dated 17-09-1992. The Inquiry Officer acted as DA. He conducted inquiry against the workman and he himself gave the finding and also awarded the punishment. The Inquiry Officer and the DA cannot be one and the same person.

That vague charge-sheet was served. It was false and fabricated. The charges were not specific. It was not signed by the competent authority. It is liable to be washed out rightly on this ground alone.

That the whole inquiry was conducted with a pre-determined mind and in utter violation of principles of natural justice and contrary to the provisions of the BPS. The findings drawn by the Inquiry Officer were not based on material on record but on conjectures and surmises.

Principles of natural justice have not been followed. The Inquiry Officer has given findings without any evidence.

The case of the management is that as per the staff Circular No. 2309, Sh. R.M. Khanna, GM(P), Chandigarh was specified as DA/EO. He held the inquiry as per the BPS and principles of natural justice. The appointment of Sh. Khanna as Inquiry Officer and DA is in order and inquiry held by him is valid and lawful. The charges levelled against the workman were specific and not vague. The inquiry was not conducted with a pre-determined mind and in utter violation of the principles of natural justice.

The inquiry was held as per the provisions of the BPS. The findings of the Inquiry Officer are based on material on record and not on surmises and conjectures. The order of dismissal is not disproportionate in view of the gravity of the offence. The workman temporarily misappropriated an amount of Rs. 41,000 (Rs. Forty One Thousand). It was a grave misconduct and it was found proved during the inquiry. There is no victimization by Dr. Lohia.

The workman applicant has filed rejoinder. In the rejoinder she has reiterated the averments of her claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim Statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the Inquiry Officer and DA cannot be one and the same person. The charges in the instant case are vague and not specific. The charge-sheet has not been signed by the appropriate authority. Dr. Lohia has filed complaint after a long delay. The inquiry is not fair. Principles of natural justice have not been followed. There is no evidence against the workman in the inquiry. The Inquiry Officer has assumed the role of DA. The punishment awarded is illegal.

It was submitted from the side of the management that as per Circular No. 2309, the DA & Inquiry Officer can be one and the same person.

It was further submitted that on 11-06-1992, Dr. Lohia presented the two cheques of Rs. 25,000/- and Rs. 2,00,000/-. Both the cheques were handedover to Smt. Malhotra for entering in the cash scroll register. She issued only one token for both the cheques. She advised Dr. Lohia to collect the cash at 1:30 PM, subsequently it was found that the cheque for Rs. 2,00,000/- was not entered in the book of the accounts and could not be traced in the Branch therefore, Dr. Lohia gave written instruction to stop the payment of his cheque for Rs. 2,00,000/- bearing No. 067816 dated 11-06-1992.

That the workman collected a sum of Rs. 41,000/- from a customer of the bank and she went home with that amount, when inquiry was made, the amount was

recovered from her brother Mr. R.M. Khanna is the Inquiry Officer as well as the DA. He has filed affidavit. He has admitted in his cross-examination as under :—

“The copies of the documents were not supplied to the workman before starting the cross-examination of those relevant witnesses. I do not remember if I gave opportunity to the workman to produce documents before start of the inquiry. She did not ask for to be defended by an Advocate and was defended by union leader. The time given to the workman to bring her defence representative was two hours as recorded in the file. Disciplinary Authority was Appellate Authority.”

This witness has admitted in his cross-examination that the copies of the documents were not supplied to the workman before starting the cross-examination of those relevant witnesses. This witness has also stated that he did not remember whether he gave opportunity to the workman to produce documents before start of the inquiry.

From the statement of this witness it becomes quite obvious that copies of the documents were not supplied to the workman while she was cross-examining the witnesses. She was not given opportunity to produce documents before start of the inquiry.

This witness has also admitted that the time given to the workman to bring her defence representative was two hours as recorded in the file. He has also admitted that the DA was the AA.

From perusal of the statement of this witness it becomes quite obvious that the workman was not supplied copies of documents on which the Inquiry Officer relied. The Inquiry Officer admitted that material documents were not supplied to the workman before the start of the cross-examination. This witness has also admitted that the workman was given only two hours time to bring her defence representative.

My attention was drawn by the management to Circular No.2309 according to which DA/EO can be one and the same person. That circular has not been filed on record. It appears surprising that an Officer is entrusted the duty of Inquiry Officer and he has also entrusted with the powers of DA. The DA cannot be a AA.

The charges against the workman is that Dr. Lohia presented two cheques, one of Rs. 25,000/- and other of Rs. 2,00,000/-. One cheque was entered and another was not entered. Dr. Lohia has not been examined on his complaint. The alleged incident took place on 11-06-1992. Dr. Lohia filed complaint after seven days of the incident.

There is inordinate delay and Dr. Lohia may have been pressurized by some officer to make a complaint against the workman. Dr. Lohia did not appear to depose before the Inquiry Officer. MW1 & MW2 have been examined. MW1 has stated that Dr. Lohia made reference for stopping the payment and he gave another cheque of Rs. 2,00,000/- and payment to him was made accordingly. According to him the circumstances suggest that one

token was issued by the workman for Rs. 2,00,000 and Rs. 25,000/-. There is no direct witness of handing over of two cheques by Dr. Lohia to the workman.

The case of the workman is that Dr. Lohia gave her only one cheque and she entered it. She did not receive a cheque of Rs. 2,00,000/-.

I have examined the evidence of the witnesses MW1 & MW2. They have stated on the basis of the circumstances that the workman must have received one cheque of Rs. 2,00,000/- from Dr. Lohia. The cheque has not been entered in any register, so it cannot be said that the workman had in mala fide intention to misappropriate Rs. 2,00,000/-. The other charges against the workman is that Mr. P.N. Khanna, partner Jukaso came to the branch to deposit Rs. 41,000 / - and there was strike on that day so he was advised to deposit on some other day as he could not receive the receipt.

It has been further alleged that the workman went to the office of Mr. Khanna and received Rs. 41,000/- and she went home and when the matter was inquired, her brother deposited the amount.

The further case of the workman is that the Branch Manager entrusted her to get the amount of Rs.41,000/- from Sh. P.N. Khanna and to deposit with the bank. The workman collected the amount from his office and went home for some purpose in the meanwhile it was reported to her that she misappropriated the money. She sent the money through her brother. The workman has annexed the certificate with the record which indicates that she was suffering from Pschycoais and Shizophrenia. It cannot be said that she had any intention to misappropriate the amount. At worst it may be held that she went away with that amount to her home whereas she would have gone to the bank and deposited the amount. Mala fide intention cannot be presumed in the circumstances of the case.

From perusal of the record of the inquiry it becomes quite obvious that in the instant case the workman has not been supplied the copies of the material documents before the start of the cross-examination so, she could not cross-examine the witnesses. The witnesses are hearsay witness. There is no direct evidence. She was given opportunity of two hours to bring her defence representative. Even if it is found proved, she issued one token for two cheques, it was simply a irregularity and it cannot be said to be mala fide intention to misappropriate the amount of Rs. 2,00,000/-. The misconduct committed by her is only irregularity. She got Rs. 41,000/- and deposited the same day which she had received from Sh. P.N. Khanna as inquiry was made incidentally.

It appears that she had no intention to misappropriate that amount. She might have gone to her house with some purpose and she would have deposited the same amount on the same day but when she learnt to this effect, she gave the amount to her brother for deposit.

It has been held in AIR 1968 SC 266 that the Inquiry Officer has to observe Rules of Natural Justice in conduct

of a domestic inquiry. He should be allowed to cross-examine witnesses and he must be given an opportunity to examine himself and adduce any other evidence that he might choose in support of his case. Inquiry is not an empty formality. The workman must be given reasonable opportunity to cross-examine the witnesses and also to adduce any other evidence that he may choose.

It has been held in AIR 1986 SC as under :—

That non-supply of copies of statement of witnesses and copies of documents relied upon causes grave prejudice.

It has been held in AIR 1961 that the charge-sheeted employee must be given opportunity to cross-examine the witnesses and he must be supplied all the documents relied upon.

In the instant case the Inquiry Officer and the DA is one and the same person which is against the Rules of Natural Justice. The DA cannot be the Inquiry Officer and the DA cannot be the AA.

The management witness has admitted in his cross-examination that copies of the documents were not supplied to the workman. He has also admitted in cross-examination that he did not remember whether he gave opportunity to the workman to produce documents before start of the inquiry. This witness has also admitted that he gave two hours time to the CSE to bring her defence representative.

It is admitted that the documents have not been supplied to the workman. It is also admitted that only two hours time was given to bring defence representative. It is also admitted that the CSE was not given opportunity to adduce evidence in defence, as such the inquiry is absolutely unfair.

The Inquiry Officer has based his findings on the evidence of a witness who has not been properly cross-examined by the CSE so, the findings are perverse. The DA & AA have also acted with closed mind. They have not given reasoned order. The orders of the DA & AA are set aside.

The workman was removed on 12-04-1993 and this case has been filed after two years of delay. The order-sheet discloses that both the sides have shown indulgence in taking adjournments. In the facts and circumstances of the case the workman is entitled to only 50% back wages.

The reference is replied thus :—

The action of the management of Union Bank of India, New Delhi in dismissing Smt. Vijayalaxmi Malhotra, Clerk from services w.e.f. 12-04-1993 is neither legal nor justified. The management should reinstate the workman with continuity of service along with 50% back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date: 04-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 10 जून, 2008

कर. आ. 1589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. यूनाईटेड इन्शोरेंस इंडिया कम्पनी लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय II, चंडीगढ़ के पंचाट (संदर्भ संख्या आई डी सं. 1202/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-17012/4/2005-आई आर (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S. O. 1589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I. D. No. 1202/2005) of the Central Government Industrial Tribunal / Labour Court-II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. United Insurance India Company Ltd. and their workman, which was received by the Central Government on 10-6-2008.

[F. No. L- 17012/4/2005-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, SECTOR 18-A,
CHANDIGARH

Presiding Officer: SHRI KULDIP SINGH

CASE I. D. NO: 1202/2005

Registered on: 3-10-2005

Date of Decision 3-6-2008

Rajan Khosla S/o Shri Surinder Kumar Khosla, 416/9, Mohalla Rishi Nagar, Mukerian, District Hoshiarpur

...Petitioner

Versus

Reviewing Authority (Award staff) United India Insurance Co. Ltd. Regd. and H. O. 24, Whites Road, Chennai

...Respondent

APPEARANCES:

For the Workman Mr : Kuldip Raj Kaila, A.R.

For the Management : Mr. D. R. Bansal, Advocate.

AWARD

The following reference was received by this Tribunal from the Ministry of Labour, Government of India vide their No. L-17012/4/2005-IR(M) dated 2nd Sept, 2005:

"Whether the action of the Management of M/s. United Insurance India Company Ltd. in removing Shri Rajan Khosla, Ex-Assistant/Clerk from service w.e.f. 2-6-2003 without giving him proper opportunity to defend his case is legal and justified? If not to what relief the concerned workman is entitled to and from which date?"

The notice of the reference was given to the parties. The workman appeared through representative on 11th of July, 2006 for the first time and the Management put up their presence through their counsel on 12th of Sep., 2006 for the first time. The workman had submitted his statement of claim by post which was received in this Tribunal on 17th of May, 2006. The Management filed reply to the statement of claim on the day they appeared for the first time and copy of the reply was given to the workman. The workman filed his affidavit in support of his claim whereas the management filed the affidavit of Shri Ravi Bhushan, their Assistant Manager. Both the workman and witness of the Management Ravi Bhushan appeared as witness in the case.

The claim of the workman is the Management had held a domestic enquiry against him in pursuance of memorandum No. CHRD: PER: 2K1: 3779 dated 30-1-2002 but they did not follow the provisions of rule 25 of General Insurance (Conduct, Discipline and Appeal) Rules, 1975. The Management did not give the dates, months and year when the workman did not attend to his duties. They also did not examine their witnesses in support of statement of imputation or misconduct alleged to be committed by the workman. The confession of the workman in the absence of enquiry was meaningless as the recording of his statement before the examination of witnesses of the management in support of the enquiry amounted to infirmity which vitiates the very enquiry. The claim of withdrawal of the workman from the enquiry proceedings does not absolve the management of their obligation to hold a fair and proper enquiry. The enquiry is also bad for having been conducted in the absence of the presenting officer. The order of dismissal of the workman is also bad for being non-speaking, having been passed without holding an enquiry. It is also claimed by the workman that his review petition is still not decided by the Chairman and Managing Director. For these reasons his dismissal from service is bad, illegal and unjustified, therefore, the same may be quashed.

The claim of the workman has been opposed by the management. They have raised preliminary objections and have also replied the assertions made by the workman in his claim petition. It is submitted by them that the workman has been removed from service after holding domestic enquiry in accordance with General Insurance (Conduct, Discipline and Appeal) Rules, 1975 as amended up to date, by which the workman was governed. During the enquiry the workman admitted the charges labelled against him. He was further asked to submit the representation about the findings of the Enquiry Officer, but he did not make any. It was in these circumstances, the Disciplinary Authority after taking all the aspects of the case into consideration imposed the impugned penalty on the workman. The appeal filed by him was decided against him by Appellate Authority and the review filed by him has not been decided as before that the workman raised the demand notice before the Assistant Labour Commissioner (C), Chandigarh. Denying the claim

of the workman of being possessing sober behaviour and innocent it is claimed by the management that even in the past the workman was served with charge sheet for remaining on unauthorized absence from duty from 25th of June, 1997 to 30th of Nov., 1998. During the enquiry of that misconduct the workman admitted the charges and assured that he will not repeat such a misconduct. He was left with light penalty of Censure. Even thereafter he did not mend his ways while posted in Branch Office, Dasuya and he was again advised to mend his conduct. It is also claimed by the management that since the workman was drawing salary more than 1600/- P.M. at the time of his disengagement, he was not the workman as defined under Section 2(s) of Industrial Disputes Act, 1947, hereinafter to be referred to as 'Act'.

On merits the claim of the management is the enquiry against the workman was conducted in accordance with rules. He was served with definite charges in terms of rule 25(3) which he admitted without any reservation before the Enquiry Officer. In view of the admission of the workman there was no need to hold further enquiry and the charges were found to be proved. Denying the allegation about the conduct of the Appellate Authority, it stated by the management that the conduct of the said authority was not biased, unethical, vindictive and disimimative. The order passed by the said authority is speaking order. About the disposal of the memorial of the employee it is their claim that since matter went for the consideration of the Assistant Labour Commissioner and then of this Tribunal, therefore, the competent authority has kept its hands off of consideration of the said review petition. They have denied that the workman is entitled to any relief.

It may be noted here that the workman has not filed any rejoinder to rebut the facts stated by the management in their written statement.

From the pleadings of the parties it is clear that the services of the workman were dispensed with after holding a domestic enquiry. Domestic Enquiry in industrial cases has acquired great significance and industrial adjudication attaches considerable importance to such an enquiry. The Supreme Court has said that an enquiry is not an empty formality but an essential condition to the legality of the disciplinary order. In other words, before the delinquent workman can be dismissed for misconduct, the employer should hold a fair and regular enquiry in the misconduct and dismissal without holding a regular enquiry would be illegality. It is also well settled that the disciplinary enquiry has to be quasi-judicial, should be held according to the principles of natural justice and the enquiry officer has a duty to act judicially. As is held by the Hon'ble Supreme Court in the case Central Bank of India Ltd versus Karunamony Banerjee, reported as (1967) 2LLJ 739, the rules of natural justice require that the workman proceeded against should be informed clearly of the charges levelled against him; witnesses should be normally examined in his presence in respect of the charges; if statements taken

previously and given by the witnesses are relied on, they should be made available to the workman concerned; the workman should be given a fair opportunity to examine witnesses, including himself, in support of his defence; and the inquiry officer should record his findings based on the evidence so adduced. Karnataka High Court in the case of GR Venkateshwara Reddy versus Karnataka State Road Transport Corporation reported as (1995) 1 LLJ 1011, has laid down the following requirements of reasonable procedure subject to any special provisions relating to procedure in the relevant rules, regulations, Standing Orders or a statute:

- (a) the employee shall be informed of the exact charges which he is called upon to meet;
- (b) he should be given an opportunity to explain any material relied on by the management to prove the charges;
- (c) the evidence of the management witnesses should be recorded in the presence of the delinquent employee and he should be given an opportunity to cross examine such witnesses;
- (d) the delinquent employee shall either be furnished with copies of the documents relied on by the management or be permitted to have adequate inspection of the documents relied on by the management;
- (e) the delinquent employee should be given the opportunity to produce relevant evidence—both documentary and oral which include the right to examine self and other witnesses; and to call for relevant and material documents in the custody of the employer;
- (f) Whenever the inquiring authority is different from disciplinary authority, the delinquent employee shall be furnished with a copy of the inquiry report and be permitted to make a presentation to the disciplinary authority against the findings recorded in the inquiry report.

In this background it is to be seen whether in this case the management had held a fair and proper enquiry against the workman or not. It is noted above that the Management has denied the claim of the workman that a fair and proper enquiry was not held. Their claim is that since the workman had admitted the charges in the enquiry, therefore, there was no need to proceed further in the enquiry. They have relied upon the authority of Hon'ble Supreme Court in the case of Vice Chairman, Kendriya Vidyalay Sangathan and another versus Girdhari Lal Yadav, reported as (2004) 6 Supreme Court Cases 325. In the cases reported as (1967) 2 LLJ 739, 1981 Lab IC 557, (1984) 1 LLJ 197 and 1986 Lab IC 1403, it has been held that in a case where the workman in answer to the charge labeled against him, admits his guilt, there will be nothing more for the Management to enquire against him and in that case holding of enquiry would be a mere empty formality. A misconduct owned and admitted by the delinquent workman is ante

thesis of the violation of the principles of natural justice or victimization as understood in industrial law, as the question of prejudice does not arise under such circumstances, but in such a case there must be an admission of guilt by the delinquent workman in clear terms.

In this regard the statement of the workman recorded in this Tribunal is very relevant. In his statement he admitted his signatures on MW 1/1, M-3 and stated that he had received M-5 which also contains his signatures. He claimed that whatever the enquiry officer had said, he had written. He further admitted that earlier also he was served with a charge sheet and then also he had given in writing whatever the enquiry officer had told to him. He denied to have received M-4 and M-6.

MW 1/1 is the letter dated 2nd of December, 2002 addressed to Shri K.K. Puri, Enquiry Officer, written by the workman in his own hand. Regarding this writing the working has not raised any finger that the said letter was got written from him under duress, coercion or by giving false promise. If the letter was not written by the workman at his free will, the first occasion for him to have raised finger against the letter was in his representation to the Disciplinary Authority which he did not make. From the writing MW 1/1 it is clear that the workman is literate person, major and in the absence of any evidence to the contrary, physically fit. In the circumstances it cannot be accepted that the admission of charges made by him was not at his free will. Even in the statement of claim he did not allege that the admission of charges was not made by him at his free will. Rather he admitted his signature on M-3 also. This is another admission of charges made by the workman on 10th of Sept. 1999. He also admitted to have received M-5, which is a notice to him issued by the Branch Manager, Dasuya Branch where he was working. By this letter-notice dated 6th of July, 2001, he was informed that he has not submitted his clarification about his absence from duty during the period from 22nd of June, 2001 to 4th of July, 2001. He was again advised to submit his clarification within seven days. He was further informed that no leave was lying in his credit. Although the workman denied to have received letter M-7, but he did not ask for it even after receiving M-5 in which the reference about the said letter had been made. This shows that the workman had absented from duty as no leave was at his credit. There is nothing on record to show that the absence of the workman was for the reasons beyond his control. There is neither claim nor proof to show that the workman was ill or he had any other reason not to attend to his duties. The evidence available on record rather shows that he was a habitual absentee and was punished with 'Censure' for the same conduct on an earlier occasion. His long absence from duty was not in favour of the working of the management. Despite having been punished with light punishment for a similar misconduct, he did not mend his ways. Thus the punishment awarded to him cannot be said to be disproportionate to misconduct alleged and proved against him.

The workman has not supported his claim by any law, rules or regulations that even after his admission of

charges the management was required to have gone through the process of holding a regular enquiry. The law lay down by the Hon'ble Supreme Court and referred to above is to the effect that once the admission of charges is done, the holding of the enquiry further becomes an empty formality. The workman has also failed to show as to how he was prejudiced when his admission was recorded by the enquiry officer in the absence of the Presenting Officer. Moreover, the workman again made the admission of charges on 2nd of Dec, 2002 when the presenting officer was also present. There is also no merit in the claim of the workman that the management had not served definite charge sheet upon the workman. The workman has not denied that the chargesheet was not served upon him. He has not alleged that the charge sheet was vague. After the charge sheet was read over to him, a fact which he has admitted in his own handwriting. MW 1/1, he stated that "the charge sheet was read out to me word by word. I confirm that I have understood the charge sheet". He did not claim that he had not understood the charge since it was vague. He also did not ask for the detail of dates on which he had remained absent from duty without authority. The copy of the charge sheet is on record and it clearly states about the number of days the workman had remained absent from duty in a particular month and year. Thus the pleas raised by the workman are not prove and the law referred to by him does not support his case.

After going through the entire record of the file and after due consideration of submissions made by the representative of the workman and counsel for the management I am of the opinion that the action of the management of M/s. United Insurance India Company Ltd in removing Shri Rajan Khosla, Ex-Assistant/clerk from service w.e.f. 2-6-2003 is legal and justified. The management had offered to hold a domestic enquiry against him and for that purpose served the charge sheet on him. The workman, at his free will, admitted the charges labeled against him. He did not ask for further time to put up his defence as he admitted the charges without any reservation. In that situation there was no need to proceed further with the enquiry. Thus there is no basis for the workman to claim that he was not given proper opportunity to defend his case. As discussed above the punishment awarded to the workman was also not dis-proportionate to the misconduct alleged and proved against him. The workman is, therefore, entitled to no relief. The award is passed against him and the reference is answered accordingly.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 10 जून, 2008

क्र. अ. 1590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार इन्टरनेशनल एयरपोर्ट ऑथोरिटी ऑफ इंडिया के प्रबंधन के संघ

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय II, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. सं. 08/1995) को प्रकटित करती है, जो केन्द्रीय सरकार को 10-6-08 को प्राप्त हुआ था।

[फा. सं. एल-11012/7/94-आई. आर. (एम.)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S. O. 1590.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. I. D. No. 08/1995) of the Central Government Industrial Tribunal / Labour Court. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of International Airport Authority of India and their workman, which was received by the Central Government on 10-6-2008.

[F.No. L-11012/7/94-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II NEW DELHI

PRESIDING OFFICER: R.N. RAI. I. D. NO. 08/1995
IN THE MATTER OF:—

Shri Surinder Kumar,
S/o. Sh. Bharat Singh,
C/o. Tara Chand,
R/o. F-105, Kitwaris Sarai,
Near Janta Flats, Phase-I,
New Delhi-110016.

VERSUS

The General Manager,
International Airport Authority of India,
NDMC Building, Yashwanth Place,
Chankyapuri, New Delhi-110021

AWARD

The Ministry of Labour by its letter No. L- 11012/7/94-IR(Vivid) Central Government Dt. 26-12-1994 has referred the following point for adjudication.

The point runs as hereunder:—

"Whether the action of the management of International Airport Authority of India in terminating the services of Sh. Surender Kumar is justified? If not, to what relief the workman is entitled?"

The case of the workman is that he was taken as daily wage by the employer on 10-6-1986 and after reviewing his satisfactory performance his daily wages were converted into contract of service w.e.f. 1-7-1988 on consolidated wages of Rs. 900/- per month. He was placed in the category of Group-D. He was implicated in false case by Delhi Police on 11-5-1991 and was detained illegally till 23-5-1991 and thereafter he was released on bail. He

approached the management but the management refused him joining.

The case of the management is that the workman was taken on contract basis in the institute of Aviation Airport on 10-5-1996. He was absent for 17 days in 1986, 77 days in 1987, 28 days in 1988, 28 days in 1989, 35 days in 1990, 89 days in February, 1991.

The further case of the management is that the workman was given contractual appointment for fixed term and it was extended by the management for a period of six months. The workman accepted the terms and conditions of the contractual appointment. He started absentsing unauthorisedly without any intimation and prior permission of the management and he never joined till the expiry of his fixed term up to 30-6-1991. His contractual appointment was not further extended and it came to an end automatically by efflux of time as per section 2(00)(bb) of the ID Act, 1947. There is no action on the part of the management as contractual employment came to an end on the expiry of the agreed contractual period.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he worked continuously from 1989 up to 23-5-1991 and he was taken into police custody. He approached the management after he was bailed out but his case was not considered by the management.

It was submitted from the side of the management that it was mentioned in the contract that the appointment will not confer any right to post. The workman has been given appointment for six months for the first time and thereafter it was extended. He was not engaged as a regular workman. He has been paid retrenchment compensation and one month's pay in lieu of notice and wages for 1-5-1991 to 2-5-1991.

From perusal of the record it transpires that the workman has been given fixed term appointment. It has been extended for six months. He was involved in a criminal case and he was in the habit of remaining unauthorisedly absent in every year. He did not report for duty. The workman was involved in a criminal case. He has been acquitted by the Trial Court on being given the benefit of doubt.

It is settled law that acquittal on the basis of benefit of doubt is not applicable to the departmental proceedings. The workman was a casual labour or fixed term appointee. He was involved in a criminal case, so the management did not extend further term of his employment.

The workman has stated in his cross-examination that after the expiry of contractual period, new contract

was not given to him, so as per own admission of the workman his fixed term of engagement was not extended.

It is not the case of the workman that he was a casual labourer and juniors to him have been retained. A casual labourer is just like a probationer and the management has every right to dis-continue him if he is involved in a criminal case and he is not sincere in his duties.

In the instant case the management has stated the days of absence in all the years and it has not been denied, so the management has rightly not extended the term of his engagement in view of his being involved in a criminal case and in view of his unauthorized absence during the period of his engagement.

The reference is replied thus:-

The action of the management of International Airport Authority of India in terminating the services of Sh. Surender Kumar is justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated 23-5-2008 R. N. RAJ, Presiding Officer.

नई दिल्ली, 10 जून, 2008

का. आ. 1591.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबंधन के संबंध में निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 40/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-08 को प्राप्त हुआ था।

[फा. सं. एल-30012/61/2000-आई. आर. (एम.)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S. O. 1591.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/2000) of the Central Government Industrial Tribunal /Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan petroleum Corp. Ltd. and their workman, which was received by the Central Government on 10-6-08.

[F. No. L- 30012/61/2000-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT KOLKATA

Reference No. 40 of 2000

Parties: employers in relation to the management of
Hindustan Petroleum Corporation Ltd.

AND

Their workmen.

Present : Mr. Justice C.P. Mishra, Presiding Officer

Appearance :

On behalf of the : Mr. P.B. Chowdhury, Advocate with
Management : Mr. S. Paul, Advocate

On behalf of the : Mr. Sankar Dutta the concerned
Workmen : workman in person.

Dated: 15th May, 2008

Industry : Petroleum.

AWARD

By Order No. L-30012/61/2000/IR(M) dated 11-09-2000 the Government of India Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Hindustan Petroleum Corporation Ltd., Calcutta in terminating Shri Sankar Dutta from the service of the Company w.e.f. 16-08-92 is legal and justified? If not, to what relief Shri Dutta is entitled?"

2. This reference has been made at the instance of Shri Sankar Dutta the concerned workmen. The case of the workman as it appears from his statement of claims in brief is that after proper interview and selection he was appointed as a Peon against the vacancy in the post of general workman (temporary) upon sponsoring his name by the Tata Employment Exchange, Government of West Bengal alongwith four others. After medical test on or about 25-05-1990 the workman joined as a temporary Peon on 2-11-1990 in the office of the General Manager (Eastern Zone) at 6 Church Lane, Kolkata-700001, but he was not given any letter of appointment. He rendered service continuously till the date of termination of his service on 16-08-1992 a monthly salary of Rs.1650. No chargesheet was issued to the concerned workman, nor any enquiry was held against him and as such his termination falls under section 2(oo) of the Industrial Disputes Act, 1947, hereinafter to be referred as the Act. He was not paid any compensation under Section 25F of the Act and the management was guided by the practice of 'Hire and Fire' in this regard. The workman approached the management for his permanent absorption in the Company, but on 16-08-1992 the management asked him not to attend office any longer without assigning any reason of affording any charge of hearing. After few months one Shri Arup Das and other workmen appointed alongwith the concerned workman were given confirmation for permanency in service and they are still in service of the Company. S/Shri Arup Das, Pradip Mondal, Amar Bag were also similarly appointed like the concerned workman and they were absorbed permanently as per rules of the company, but discriminatory treatment was made to the concerned workman by terminating him. He thereafter moved a Writ Petition being case No. 9923 (W) of 1994 before the Hon'ble Calcutta High Court. The Hon'ble High Court dismissed the said writ petition with liberty to the workman to take recourse to the remedies available under the Industrial Disputes Act. The workman thereafter approached the conciliation officer for redressal of his grievance and conciliation proceeding

was held which ended in failure and the conciliation officer submitted a failure report to the Central Government. Ultimately, the matter has been referred to this Tribunal for adjudication by the Central Government. It is prayed that the management be directed to reinstate the workman with full back wages and other consequential benefits from the date of his termination on 16-08-1992.

The management Hindustan Petroleum Corporation Ltd., hereinafter to be referred as the management has filed a written statement denying the claims and contentions of the workman as stated in his statement of claims. Management has challenged the present reference as bad in law, misconceived, unsustainable. It is stated that the question of termination of service of the concerned workman did not arise because he was appointed on temporary/Casual basis as and when required on daily wage basis and hence the question of his appointment to regular post does not arise as alleged by him and the Central Govt. had actually prejudged the issue. The dispute in question is also stated to be not an industrial dispute as the case of the concerned workman did not attract Sections 25B and 25F of the Industrial Disputes Act, 1947. It is also stated that the present dispute has been referred without application of mind and without considering the contentions of the management in this regard. Regarding merit the case of the management is that the concerned workman was engaged on temporary casual basis against casual nature of work from time to time intermittently and he was not given any appointment letter for the same. For recruitment to any sanctioned post have always been done after complying with the recruitment rules. Management has denied that he had rendered continuous service till the date of termination of his termination on 16-08-1992. According to the management since the workman was engaged purely on temporary casual nature and that too intermittently sections 25B and 25F of the Industrial Disputes Act, 1947 are not attracted and he is not entitled to any relief. Management has denied the claims and contentions of the workman in seriatim. It is denied that the management has adopted the unfair labour practice and followed the 'Hire and Fire' policy or that it had violated the provisions of the Industrial Disputes Act, 1947. It is accordingly prayed that the claim of the concerned workman be rejected.

4. A rejoinder is also filed by the workman denying the contentions of the management and reiterating his claims and contentions as made in his statement of claims.

5. Both the sides have exhibited certain documents in support of their respective case. Out of the documents filed on behalf of the workman, Ext. W-1 is the letter of the company to the concerned workman dated 02-04-1990 for interview. Ext. W-2 is the printed application for employment of the company submitted by the concerned workman dated 08-04-1990. Ext. W-3 is the certified copy of the order dated 25-09-1998 passed by the Hon'ble High Court at Calcutta in C.O.9923(W) of 1994. Ext. W-4 is the letter of the workman dated 25-05-1999 addressed to the Assistant Labour

Commissioner (Central), Kolkata. Ext. W-5 is the letter of the workman dated 10-01-1994 addressed to the Personnel Manager of the company. Ext. W-6 is the letter of the Company dated 14-07-1999 addressed to the Assistant Labour Commissioner (Central), Kolkata. Ext. W-7 is also a letter dated 20-09-1999 written by the workman to the Assistant Labour Commissioner (Central), Kolkata. Ext. W-8 is a letter of the Assistant Labour Commissioner (Central), Kolkata addressed to the Company regarding the conciliation proceeding in the matter. Ext. W-9 is a letter dated 02-06-2000 written by the Assistant Labour Commissioner (Central), Kolkata to the Secretary to the Govt. of India, Ministry of Labour, New Delhi about the failure of conciliation in the matter. Ext. W-10 is the identity Card of the workman issued by the Employment Officer, Sub-Regional Employment Exchange, North Calcutta, Govt. of West Bengal and Ext. W-11 is the E.S.I. card dated 25-03-1991 issued to the workman.

On the other hand the documents exhibited on behalf of the management are Ext. M-1 is the Recruitment Rules of the Company, Ext. M-2 is a blank salary slip. Ext. M-3 is a printed blank certificate of the Company under Section 203 of the Income-tax Act, 1961 for tax deducted at source from income chargeable under the head "Salaries". Ext. M-4 and Ext. W-6 are same. Ext. M-5 is the original printed application for employment of the company submitted by the concerned workman dated 08-04-1990. Ext. M-6 is a statement regarding the number of days work done by the workman. Exts. M-7, M-7/1 and M-7/2 are three letters written by the Assistant labour Commissioner (Central), Kolkata to the Manager, IR & Recruitment of the Company.

6. The sole witness for the workman is Sankar Dutta the concerned workman himself. He has stated in his evidence that he used to work in the Hindustan Petroleum Corporation Ltd. at 6 Church Lane, Kolkata since 2nd November, 1990. He was appointed as a Peon. His name was forwarded by the Employment Exchange for appointment. Along with him four other persons, namely, Sanjay Mondal, Santosh Manna, Arup Das and Debabrata Dutta Gupta also joined and they are still working and three of them had been made permanent. His Salary was Rs.1650 per month. His service was terminated on 16th August, 1992. Neither any chargesheet was issued nor, any enquiry was held against him while he was in service. No compensation was also paid to him at the time of his termination. He has prayed for his reinstatement in service with back wages. In cross-examination he has stated that he had received appointment letter and referred to Exts. W-1 and W-2 in this regard. He has also stated that the document has been filed to show that the management notified to the Employment Exchange about the requirement of names for appointment as Peon. He, however, could not say whether there is any record to show that the names of Sanjay Mondal, Arup Das, Debabrata Dutta Gupta and Santosh Manna were also forwarded by the Employment Exchange along with him. He has no paper to show that the

other four persons have been made permanent by the management. He was not in a position to show his termination letter because he was terminated without any notice. It is however stated by him that he can show document to the effect that his monthly salary was Rs. 1650. He has further stated that he was appointed temporarily but the work was permanent and his monthly payments were made through vouchers.

7. On the other hand, management has examined two witnesses in this case. MW-1, Milan Nag is Senior Human Resources Officer, East Zone of the Company. He does not know the concerned workmen personally and has stated to have derived knowledge about this dispute from office file. He has stated that the workman concerned was engaged purely on casual basis as per files. He has proved the recruitment rules of the company and stated that for recruitment of class-IV category the person has to be recommended by the local Employment Exchange and thereafter necessary skill test and interview are taken. Then if the candidate is found to be fit, he is selected and appointment letter is formally issued. But, in this case rules were not followed. No appointment letter was issued to him. His attendance was maintained by the then pay Roll Officer who was also used to maintain register of permanent employees. There was a separate register of attendance for the workman of permanent cadre and the attendance of casual labour used to be maintained in loose sheet. According to him as per records the concerned workman had worked only for 16 days in 1990, in 1991 he had worked for about 227 days and in 1992 he had worked for 235 days. He does not remember till which date in 1992 the workman had worked, but there is some document in this regard. He has further stated that the work of temporary casual labour cannot be compared with the nature of the work of the regular workman. At the time of the engagement of the concerned workman, no vacancy of peon in the permanent cadre existed. According to him the workman concerned was probably appointed on leave vacancy. In cross examination the witness has stated that he does not have any knowledge as to when the service of the concerned workman was terminated or whether any termination notice was served upon him. He also cannot say whether the management complied with the provisions of sections 25F of the I.D. Act before termination of the service of the concerned workman or whether he had worked continuously. It is also stated by him that any regular employee who does a salary of Rs 6000 and above is eligible for E.S.I scheme, but he does not know whether the concerned workman enjoyed such benefit.

MW-2, Indrajit Mukherjee is Deputy Manager, Human Resources of the Company who joined in the year 1985. He came to know about the concerned workman while working at the office of the Company at Church Lane, Kolkata and he identified him. He has stated that the concerned workman was engaged in the Company as a temporary casual Peon at the aforesaid office. There is

recruitment rules framed by the Company and for recruitment of employees other than management staff candidates are invited from the Employment Exchange. The candidates called from the Employment Exchange are subjected to examination and interview for recruitment in the company. Ext. M-1 contains recruitment criteria of different posts and the minimum educational qualification for a Peon to be recruited against permanent post is SSC passed or equivalent thereof. Regarding the concerned workman it is stated that he was recruited on exigency of service and he was not given any appointment letter. The witness has proved Ext. M-5, original application for employment of the concerned workman and it has been pointed out that annex copy of it marked Ext. W-2 does not contain the particulars of examination passed, but in the original, however, it is found that his educational qualification is "Madhyamik failed". He has stated that for permanent employees there is a register for attendance, but for the employees other than permanent employees, attendance is recorded on loose sheets by an officer on the Finance Dept. He has proved a sheet marked Ext. W-6 and stated that it is in the handwriting of one Ramesh Chidhure wherein it appears that the concerned workman worked for 16 days in 1990, 227 days in the year 1991 and for 135 days in 1992. He has further stated that the workmen get payments from the Cash Office. Pay order is prepared in duplicate by the Finance Dept. One copy is tendered to the Cash Dept. and payment is made and the other copy is retained by the workman himself. According to him in the years 1990 to 1992 there was no vacancy in the post of Peon in the organization. In cross-examination the witness has stated that all the workmen are entitled to the benefits of B.S.I. and he admitted the B.S.I. Card dated 25th March, 1991 marked Ext. W-11. According to his knowledge only the permanent employees get ex-gratia and leave salary. He has further stated that the question of termination of casual workman does not arise.

8. As per facts stated above and the evidence led by the parties on their behalf it is evident that the action or the management for alleged termination of service of the workman concerned with effect from 16th August, 1992 is challenged on behalf of the workman saying it to be illegal and unjustified as he was appointed as a peon from 2nd November, 1990 after his name was sponsored by the Employment Exchange along with four others after medical test held on 25th May, 1990 though of course, the management did not give any letter of appointment to him in this regard. His services were said to have been terminated by the management from 16th August, 1992 without serving any show-cause notice or chargesheet or conducting any enquiry before such termination and also without making any compliance of the provisions of Section 25F of the Act. There was also a discrimination made by management as the other four workmen viz. S/Shri Arup Das, Sanjay Mondal, Santosh Manna and Debebrata Dutta Gupta issued letter of Permanent appointment by the management. It is also evident that a writ petition against

that order of termination has been filed by the workman before the Hon'ble High Court at Calcutta, but the application was dismissed with liberty to the petitioner to take recourse of the remedies available to him under the Act and so this reference has been made to this Tribunal for adjudication of the claim of the workman in this regard.

9. Management, however, has denied the aforesaid facts regarding the appointment of the concerned workman after proper interview and selection against a vacancy in the post of general workman as Peon or that his name was so sponsored by the Employment Exchange along with other four persons or his case being at par with them at all so that any relief could be granted to him in this connection. It has been also alleged that he was engaged on temporary/casual basis as and when required on daily wage basis and no appointment letter was ever issued to him. It is also denied that he actually worked continuously for 240 days or more in a year so as to attract the provisions of Sections 25B and 25F of the Act. The so called documents, Exts. W-1 and W-2 alleged to be appointment letters are also challenged to be otherwise by submitting that the workman on his own showing has mentioned there in the document Ext. W-1 that he had failed in Madhyamik Examination and to cover it up he had not shown the facts correctly in the educational qualification column for that purpose. Thus, he also lacks the basic educational qualification required for the post claimed by him for his appointment in the Corporation. The period of work as shown by him is also not correct as he had worked only for 16 days in 1990, 227 days in 1991 and 135 days in 1992 when he was recruited on exigency of service as it is proved by statement given by Indrajit Mukherjee vide Ext. M-6 in this regard. In the cross-examination of the witness the contents of the document Ext. M-6 was not challenged nor shown otherwise so that the same could establish the claim of the workman in this regard that he had so worked for 240 days in the preceding year from the date of termination of his service. Also there is no vacancy in the post of Peon so that there could have been any permanent appointment as per procedure which is required to be applied for any such appointment made in the Corporation on that post. Regular workers were paid salary through pay slips whereas the concerned workman himself admitted that he was paid the amount of his wages through voucher Ext. M-2. Thus the onus of proof by the workman to have worked for 240 days in a year has not been discharged which was necessary for him to show it as the legal position is well settled in this regard by number of decision of the Hon'ble Supreme Court. In *Mohan Lal v. Management of Bharat Electronics Ltd.*, AIR 1981 SC 1253; 1981(3) SCC 2225; 1981-II-LLJ-70, it is held by the Apex Court that before a workman can claim retrenchment not being in consonance Section 25F of the Act, he has to show that he has been in continuous service for not less than one year with the employer who had retrenched him from service. In *Range Forest Officer v. S.T. Hadimani*, AIR 2002 SC 1147; 2002(3) SCC 25; 2002-I-LLJ-1053 the Apex Court held:

"2. In our opinion the Tribunal was not right in placing the onus on the management without first determining on the basis of cogent evidence that the respondent had worked for more than 240 days in a year preceding his termination. It was the case of the claimant that he had so worked but this claim was denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in a year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside...."

More recently, in *Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan & Another*, 2004 (8) SCC 161; 2004-III-LLJ-832; *Municipal Corporation, Faridabad v. Siri Niwas* 2004 (8) SCC 195; 2004-III-LLJ-760 and *M.P. Electricity Board v. Hariram* 2004 (8) SCC 246; 2004-III-LLJ-144 the Hon'ble Supreme Court has reiterated the principle that the burden of proof lies on the workman to show that he had worked continuously for 240 days in the preceding one year prior to his alleged retrenchment and it is for the workman to adduce an evidence apart from examining himself to prove the factum of his being in employment of the employer.

In light of this settled legal position the plea of the workman that he had worked for 240 days or more in a year so as to claim the benefit under the provisions of Sections 25B and 25F of the Act does not arise in the present case and without discharging this burden cast on him he cannot claim this benefit. Moreover in this case he was just a casual/daily-wage worker of the Corporation and as such had no right to the post as he was never recruited at all following the recruitment procedure applicable to that post and the question of termination of his services in this case did not arise at all as he was only engaged by the Corporation from time to time just on temporary casual basis as and so disengaged on 16-08-1992 as it has been so alleged by him in this connection.

10. On the perusal of the aforesaid facts and submissions made on both the sides it is evident that the workman has not been able to discharge the initial onus which was there on him to give a positive evidence that he had been appointed to any post after following the proper recruitment procedure with appointment letter so issued in his favour. From the statement given by him also it is clear that there is no other document except Exts. W-1 and W-2, which could be said to be his appointment letter. But the said two documents referred to above in this connection Ext. W-1 is only a copy of the letter dated 7th April, 1990 of the Company to the workman just calling him for the

interview and the other document Ext. W-2 is the application that was submitted by him for this purpose which in noway can be said to be the appointment letter at all to show that he was given any such appointment through these two documents as alleged by him in this regard. It is also an admitted fact to him that the monthly payments were made to him through vouchers only and not by any pay slip like other regular employees working in the Corporation.

11. Statement as given by the witnesses on behalf of the management in this connection viz. Milan Nag clearly goes to show that as per office record he was engaged on purely on a casual basis. The Corporation also had a recruitment rules vide Ext. M-1 and the appointment could be made to the persons in Class-IV category after their names were so sponsored by the local employment exchange and after the skill test and interview were so taken and if the candidate was found so fit and not otherwise. In the case of the concerned workman no such procedure was ever followed and no such appointment letter was given to him. The document Ext. W-1 also goes to show that he did not possess the minimum basic educational qualification so that he could have been given any such appointment to the post of Peon under rules, Ext. M-1. It is also evident from his statement that there was no vacancy of Peon in the Corporation at that time and the workman concerned according to him was perhaps appointed on a leave vacancy only. The other witness for the management MW-2, Indrajit Mukherjee who had been posted at the office of the Corporation during the relevant period when the workman concerned had so worked or engaged by the Corporation has similarly stated that the recruitment could be made under rules so framed by the Corporation and for this advertisement had to be made in the newspaper followed by the examination and interview of the candidates so called by it and also call through the employment exchange for this purpose. In case of the concerned workman no such rules were observed to hold any such examination and more so he did not fulfill the minimum educational qualification for the post of a Peon to be so recruited in the Corporation as per rules. In fact, according to him the workman concerned was just engaged on exigency of service and not given any appointment letter as such as it is so alleged by him. He has also stated the facts about the period of work so done by the workman vide Ext. M-6 and for this he further stated the facts regarding payments so made to him from time to time for the work so done by workman.

12. Thus, Ext. M-6 is the only document which has been filed by the management in this case showing the actual number of days so worked by the workman concerned in the Corporation during the years 1990 to 1992. The workman, in fact, has also not challenged the facts stated about it in this document. It is clear from this document that the workman had only worked for 16 days in 1990, 227 days in 1991 and 135 days in 1992, i.e., upto August when the management allegedly terminated his service. As per reference itself the date of termination of

service of the workman was 16th August, 1992 and as per this document itself the number of days so worked by the concerned workman just preceding the 12 calendar months prior to it can be shown to be so as per calculation as follows:

Month	No. of days
August, 1992	06
July, 1992	20
June, 1992	23
May, 1992	11
April, 1992	16
March, 1992	21
February, 1992	24
January, 1992	14
December, 1991	14
November, 1991	21
October, 1991	31
September, 1991	20
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13. The workman, however, has submitted that for calculating the total number of days of work of a workman in a year in addition to the actual working days 52 Sundays and 17 holidays are to be added as per rules. If it is so added, then the concerned workman had put in more than 240 days work in the preceding 12 months from the date of his termination. But, he does not show as to under what rules the Sundays and holidays are to be so added to the calculation of actual working days in case of a daily wage worker. In somewhat similar circumstances the Hon'ble Supreme Court in H.U.D.A.V. Jagmal Singh (2006-III-LLJ-152) has clearly observed that in order to get the benefit under Section 25F a workman has to complete 240 days the Statutory period provided for this purpose and no such benefit is available to a person who has been appointed as a daily wage earner like the workman concerned. The observations of the Hon'ble Supreme Court in this connection are clear enough to say as follows:

"6. We are unable to appreciate the approach made by the Labour Court in calculating the stator period of 240 days in a year. In our opinion, both the Labour Court and the High Court have failed to appreciate the fact that the respondent has failed to complete the statutory period of 240 days in a year to entitle him for claiming any benefits whatsoever. As already noticed, evidence has been laid to the said fact before the Labour Court but still the issue of attendance of the respondent has been decided in his favour. This apart, the respondent was appointed on as a daily wage earner and not as a permanent employee of the appellant and hence the respondent cannot claim any right to the post in question and that no right has accrued to him to claim any benefit from the appellant. This fact has

been overlooked by the Labour Court and also by the High Court. The fact remains that the respondent has not worked for the statutory period of 240 days which has been clearly established by the appellant. It is settled law that the workman has to prove that he had worked for 240 days. In the instant case, the workman has not established that he has served the appellant for the statutory period of 240 days."

In view of the above, the facts on the record are clearly show that the workman concerned neither had worked continuously for one year nor for 240 days during the preceding 12 calendar months before the alleged date of termination of his service on 16-08-1992 so as to get any such benefit available to him under the provisions of Section 25F of the Act.

14. Also, it is found that the workman concerned had never been appointed according to the rules of the Corporation, Ext. M-1 and also that he was not qualified to be given any such regular appointment to the post of Peon as it has been so claimed by him for the same. The appointment of the workman was purely that of an ad-hoc nature from time to time and for that he had been paid the amount due to him through the vouchers only. In view of aforesaid facts and circumstances the action of the management can't be said to be illegal or unjustified which may require any interference by the Tribunal and the claim of the concerned workman deserves to be rejected and the workman is held to be not entitled to any relief so claimed by him in this regard.

The reference is answered accordingly.

Dated, Kolkata,

The 15th May, 2008 C. P. MISHRA, Presiding Officer

नई दिल्ली 10 जून, 2008

का. आ. 1592.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबंधन के संबंध नियोक्ता और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक अधिकरण/अधिन्यायालय, कोलकाता के संघट (संदर्भ संख्या 40/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-30011/46/2004-आई.आर. (एम.)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S. O. 1592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 40/2004 of the Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Petroleum Corp. Ltd. and their workmen, which was received by the Central Government on 10-06-2008.

[F.No. L-30011/46/2004-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT KOLKATA

Reference No. 40 of 2004

Parties : Employers in relation to the management of
Bharat Petroleum Corporation Ltd.

and

Their Workmen

PRESENT : Mr. Justice C.P. Mishra,—Presiding Officer

Appearance :

On behalf of the : Mr. T.K. Banerjee, Advocate with
Management : Mr. J. Mondal, Advocate.On behalf of the : Mr. D. Bhattacharya, Working President
Workmen : of the Union

Dated : 21st May, 2008

Industry : Petroleum.

AWARD

By Order No. L-30011/46/2004/IR(M) dated 12-10-2004 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BPCL, Regional Office Kolkata in declaring 13 closed holidays and one restricted holiday for the year 2004 instead of earlier practice of declaring 14 closed holidays amounted to violation of long term settlement of 1978? Whether the above action of the management is in violation of Section 9A of the I.D. Act or not? If so, whether the demand of the Union to declare 16-11-2004 Guru Nanak's birthday as the 14th closed holiday, is justified or not? If not, to what relief the workmen are entitled?"

2. When the case is called out today, none appears for the workmen. Management is however represented by its learned Advocate. It is submitted on behalf of the management that none is appearing on behalf of the workmen since long, for any step is taken on their behalf to produce WW-1 for his cross-examination. It is, therefore, prayed that appropriate order may be passed for disposal of the present reference.

3. It appears from the record that both the parties completed their respective pleadings etc. One witness, WW-1, namely, Alok Kumar Das was examined on behalf of the workmen who was also partly cross-examined on 16-11-2005 and 7-2-2006, but he was not produced for his further cross-examination thereafter. It also appears that the representative of the workmen is not appearing since 9-7-2007 nor any step is taken on behalf of the union so that the matter can be disposed of on merit inspite of several opportunities being given for the same. It is accordingly clear that the workmen are no longer interested to proceed with the present reference.

4. In the circumstances stated above, this Tribunal has no other alternative but to dispose of the present reference by passing a "No Dispute" Award. Accordingly a "No Dispute" Award is passed and the reference is disposed of.

C. P. MISHRA, Presiding Officer

Dated, Kolkata,

The 21st May, 2008

नई दिल्ली, 10 जून, 2008

का. अ. 1593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान स्टेट माइन्स एवं मिनेरल लिमिटेड के प्रबंधन के संबंध में निदेशित औद्योगिक अधिकरण/श्रम न्यायालय, उदयपुर के पंचाट (संदर्भ संख्या 2/2001-आई.टी.आर.) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-2008 को प्राप्त हुआ था।

[का. सं. एल-29012/22/2001-आई.आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S. O. 1593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 02/2001-ITR) of the Central Government Labour Court/Industrial Tribunal, Udaypur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rajasthan State Mines Minerals Ltd., and their workmen, which was received by the Central Government on 10-06-2008.

[F. No. L-29012/22/2001-IR(M)]

KAMAL BAKHRU, Desk Officer

अनुबंध

श्री कानाराम पिता भीखाराम मीणा

मार्फत, श्री जगदीशचन्द्र मीणा, नि. मीना खेड़ा, तहसील मावली,
जिला उदयपुर

प्रार्थी

विरुद्ध

श्री प्रबन्धक, राज. स्टेट माइन्स एण्ड मिनेरल लि.,
उदयपुर (राजस्थान)

विपक्षी

उपस्थित:-

प्रार्थी की ओर से : श्री सुभाष श्रीमाली

विपक्षी की ओर से : श्री वी.एल. असावा

पंचाट

दिनांक 29 अप्रैल, 2000

भारत सरकार के ग्राम मंत्रालय के आदेश संख्या एल-29012/22/2001 अर्द्धर (एम) न्यू देहली दिनांक 28-3-2001 के द्वारा भिन्निकृत विवाद इस न्यायालय को अधिनिर्णयार्थ प्रेषित किया गया :-

"Whether the action of the management of Rajasthan State Mines and Minerals Ltd., Udaipur in terminating the service of Shri Kanaram S/o Shri Bhikaram, Ex. messenger/ Courier w.e.f. 1-3-2000 is legal and justified? If not, what relief the concerned workman is entitled to?"

उक्त प्रसंग प्राप्ति होने पर न्यायालय द्वारा प्रकरण दर्ज रजिस्टर किया जाकर संबंधित पक्षकारों को नोटिस जारी किए गए। बिना पर प्राप्ति की ओर से क्लेम व विपक्षी की ओर से जवाब पेश किया गया।

प्राप्ति की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार हैं कि—प्राप्ति की नियुक्ति विपक्षी द्वारा मैसर्स/कोरियर डाक विपक्षी मुख्यालय, 4, मीरा मार्ग, उदयपुर से चितौड़गढ़ सम्पूर्ण लाने ले जाने के लिए दिनांक 24-12-1994 को हुई। प्राप्ति को सेवाएं विपक्षी के नियोजन में हमेशा संतोषप्रद रही। प्राप्ति ने पूर्ण निष्ठा से विपक्षी के अधीन लगभग 5 वर्षों से अधिक सेवाएं दी हैं। प्राप्ति विपक्षी के अधीन डाक लाना, ले जाना, एकीकृत करना, वितरण करना आदि करता था तथा चितौड़ से उदयपुर आने व जाने का किराया विपक्षी द्वारा वहन किया जाता था। दिनांक 1-3-2000 को प्राप्ति इमेशा की तरह अपनी ड्यूटी पर उपस्थित हुआ तो विपक्षी के चार्टिंग मैनेजर महेन्द्रसिंह समेतारा ने ड्यूटी पर लेने से मना कर दिया व कहा कि अब आपकी आवश्यकता नहीं है। आपकी जगह ओमप्रकाश को रख लिया है। इस प्रकार प्राप्ति को बिना पूर्व सूचना दिए, बिना अनुरोधनात्मक कार्यवाही किए, बिना क्षतिपूर्ति प्रदान किए दिनांक 1-3-2000 से सेवा से प्रयुक्त कर दिया, जो औ.वि. अधि की धारा 25(एफ) के विरुद्ध होने से प्राप्ति की सेवा मुक्ति अवैध एवं शून्य है। प्राप्ति की सेवा मुक्ति प्राकृतिक न्याय के सिद्धान्त के विरुद्ध है। प्राप्ति के बाद वाला श्रमिक आज भी कार्यरत है। प्राप्ति का अंतिम वेतन 2100 रुपये प्रति माह था। अतः निवेदन है प्राप्ति को विपक्षी के नियोजन में निरन्तर वेतन, परीक्षा एवं अन्य लाभों सहित पुनः नियुक्ति कराने का आदेश प्रदान करावे।

विपक्षी की ओर से अपने जवाब में यह अंकित किया है कि—प्राप्ति को विपक्षी द्वारा कभी भी नियुक्ति नहीं दी गई। विपक्षी का एक्स सर्विस मैन सिन्धूरिटी फोर्स एवं विजिलेंस सर्विसेज, उदयपुर के साथ सिन्धूरिटी गार्ड उपलब्ध कराने हेतु जो अनुबंध हुआ था और प्राप्ति का एक्स सर्विस मैन सिन्धूरिटी फोर्स, उदयपुर के निर्देश के अनुसार ही कार्य करता था, प्राप्ति पर विपक्षी का कोई कंट्रोल नहीं था और उक्त एक्स सर्विस मैन सिन्धूरिटी फोर्स उदयपुर के निर्देश और कंट्रोल में ही कार्यरत था और अनुबंध के तहत मासिक वेतन 1731.81 भी उसी संस्था से प्रप्त करता था। प्राप्ति विपक्षी की सेवा में नहीं रहा इसलिए प्राप्ति की सेवाओं का लेखा-जोखा नहीं रखा गया।

प्रार्थना पत्र के अन्य तथ्यों को अस्वीकार किया। विशेष ध्यान में यह अंकित किया है कि—प्राप्ति को मैसर्स एक्स सर्विस मैन सिन्धूरिटी फोर्स, उदयपुर द्वारा नियुक्ति दी गई थी, ऐसी स्थिति में मैसर्स एक्स सर्विस मैन सिन्धूरिटी फोर्स एवं विजिलेंस सर्विसेज उदयपुर उक्त प्रकरण में आवश्यक पक्षकार है, उसकी अनुपस्थिति में इस विवाद का निर्णय नहीं लिया जा सकता है। ऐसी स्थिति में मैसर्स एक्स सर्विस मैन सिन्धूरिटी सर्विसेज, उदयपुर को पक्षकार नहीं बनाया जाता जब तक प्राप्ति का यह क्लेम गोपनीय नहीं है। अतः क्लेम प्रार्थना पत्र पर चर्चा खारिज दिए जाने की प्रार्थना की है।

प्राप्ति की ओर से स्वयं का शपथ पत्र पेश किया व सम्बन्धित दस्तावेज को प्रदर्शित कराया। प्राप्ति से विपक्षी प्रतिनिधि ने जिरह की। विपक्षी की ओर से श्री महेन्द्रसिंह समेतारा का शपथ पत्र पेश हुआ व सम्बन्धित दस्तावेज को प्रदर्शित कराया गया। जिससे प्राप्ति प्रतिनिधि ने जिरह की।

पक्षकारों के प्रतिनिधियों की बहस अंतिम सुनी गई। पत्रावली का अवलोकन किया गया।

बहस के दौरान विद्वान अभिभावक प्राप्ति का तर्क है कि प्राप्ति कानाराम ने विपक्षी के निमोक्त में करीब 5 साल तक मेहनत और निष्ठा से सेवाएं दी हैं। विपक्षी के यहां नियुक्त है डाक लाने और ले जाने का कार्य करता था और वितरण भी करता था और उदयपुर आने जाने का किराया भी विपक्षी देता था, लेकिन अचानक सितम्बर, 94 से कार्य करते हुए दिनांक 1-3-2000 को जब ड्यूटी पर उपस्थित हुआ तो चार्टिंग मैनेजर श्री महेन्द्र सिंह समेतारा ने मना कर दिया और कहा कि आपको हमारी आवश्यकता नहीं है और आपकी जगह ओमप्रकाश को रख लिया है। प्राप्ति को बिना कोई सूचना दिए, बिना कार्यवाही किये, प्राप्ति की ड्यूटी कर दी है जो धारा 25 (एफ) ओ. वि. अधि का स्पष्ट उल्लंघन है। इस तरह से वह सेवा मुक्ति अवैध एवं शून्य है, प्राकृतिक न्याय के सिद्धान्तों का हनन हुआ है। प्राप्ति इस अवैध सेवा मुक्ति के कारण विपक्षी के नियोजन में निरन्तर वेतन, शरीरगत एवं अन्य लाभों सहित पुनः नियुक्ति का हकदार है और प्राप्ति का अंतिम वेतन 2100 रुपये प्रति माह था। जो प्राप्ति को पिछले वेतन सहित सेवा में लिए जाने का आदेश दिया जाए।

विद्वान अभिभावक प्राप्ति का कथन है कि प्राप्ति के कथनों का कोई खण्डन नहीं हुआ है, बल्कि महेन्द्रसिंह समेतारा स्वयं साक्ष्य में पेश हुआ है, उसने ठेकेदार का श्रमिक होना बताया है, लेकिन बहस में यह भी कहा है कि कानाराम की हाजरी विभाग की इन्चार्ज होकर वहीं भरता था। भुगतान ठेकेदार नहीं करता था, बल्कि विभाग ही करता था। प्रदर्श-1 जारी रजिस्टर फर्जी हो ऐसा कुछ भी नहीं कहा गया है। विपक्षी ने जो उपस्थिति रजिस्टर का ज्वारा पेश किया है वह बाद में बनावटी पेश किया है। विद्वान प्राप्ति का कथन है कि प्रदर्श-2 में कानाराम द्वारा डाक लाने, ले जाने को संजय कुमार ने कहा है और चितौड़गढ़ से उदयपुर आने जाने से संबंधित रेलवे का पास कानाराम के नाम का प्रदर्श-3 पेश हुआ है जो समय-समय पर सेवनिकृत भी हुआ है। प्राप्ति की ओर से जो कागजात पेश किए गये हैं प्रदर्श एम-2 उपस्थिति रजिस्टर बना कर ही पेश किया गया है। भुगतान को दिया

गया था, विभाग द्वारा ही किया गया था, कोई ऐसा रिकार्ड संतोषजनक पेश नहीं हुआ कि यह कहा जा सके कि उदयरज चारण ठेकेदार के श्रमिक हों, इसलिए लगातार 5 वर्ष सेवा अवधि प्राप्ति ने विपक्षी के अधीन कार्य शम्भुपुरा में करना दस्तावेजी साक्ष्य से सप्रति है और कोई छंटनी का मुआवजा नहीं दिया गया, बल्कि अवैध रूप से सेवा से पृथक किया गया है।

इस सम्बन्ध में विद्वान अभिभावक प्राप्ति की और से माननीय राजस्थान उच्च न्यायालय की खण्डपीठ का निर्णय मैसर्स राज. को. डेयरी बनाम जज इन्ड, ट्रिब्यूनल बीकानेर पेश किया है जो आर. एल. आर. 2001 (1) पेज 715 में पारित किया है और यह तर्क दिया है कि राजस्थान में धारा 2 (एस) ओ.वि.अधि. के तहत कर्मकार की परिभाषा में ठेकेदार द्वारा जो श्रमिक उपलब्ध कराये जाते हैं वे ही सम्मिलित हैं और तर्क के तौर पर यह मान लिया जाए कि प्राप्ति ठेकेदार का श्रमिक था तो भी प्राप्ति कार्य विपक्षी के अधीन करता था और समस्त कार्य-कलाप विपक्षी के नियन्त्रण में था, इसलिए कर्मकार की परिभाषा में आता है। विद्वान अभिभावक प्राप्ति की और से 2005 (3) सीडीआर 2419 राज. राज्य बनाम छगनलाल ही पेश किया है, जिसमें श्रमिक ने एक कलेण्डर वर्ष में 240 दिन से अधिक कार्य किया है और श्रमिक सुरक्षा एजेंसी के मार्फत नियुक्त हुआ है और यदि धारा 25 (एफ) ओ.वि.की पालना नहीं हुई है तो श्रमिक पुनः सेवा में लिए जाने का हक रखता है और पिछला वेतन भी पाने का अधिकारी है। इसी तरह का निर्णय 2005 (3) सी.डी.आर 2233 (राज.) पेश किया जिसमें प्राप्ति 9 वर्ष से अधिक अवधि के लिए विपक्षी के नियोजन में रहा और प्राप्ति की सेवाएं समाप्त कर दी गई मूल रूप से सेवाएं अगर अवैध समाप्त होती हो तो क्षतिपूर्ति नहीं बल्कि पुनः सेवा में लिए जाने का प्राप्ति हकदार है। इसी क्रम में प्राप्ति की और से आर.एल.आर 2002 (2) पेज 400 भी पेश किया है। इस नजीर में रीको का मूल आधार यह था कि प्राप्ति की सेवा सुरक्षा एजेंसी के मार्फत, ली और सुरक्षा एजेंसी और प्राप्ति के बीच कोई सम्बन्ध नहीं था इसीलिए प्राप्ति ने 240 दिन लगातार कार्य किया तो उसकी सेवा समाजिक छंटनी की परिभाषा में आता है और प्राप्ति की सेवाएं सम्पूर्ण अवैध मानी गई, प्राप्ति पुनः स्केच में बहाल होने का हक रखता है एवं 30 प्रतिशत वेतन भी दिलाया गया। विद्वान अभिभावक प्राप्ति की और से माननीय राजस्थान उच्च न्यायालय के उक्त निर्णयों के अनुसरण में प्राप्ति की साक्ष्य को न मानने का कोई कारण नहीं है और विपक्षी की और से जो रिकार्ड पेश किया गया है, विश्वास करने के काबिल नहीं है। उदयरज को पेश नहीं किया गया है। जो रिकार्ड पेश किया गया है, उस पर अब विभाग का कोई पृष्ठांकन नहीं है। प्राप्ति को पुनः सेवा में बहाल किया जावे और पिछला वेतन भी दिलाया जाए।

विद्वान अभिभावक विपक्षी की और से यह तर्क दिया गया है कि विपक्षी संस्थान एक राज्य सरकार का उपक्रम है। राज्यसरकार के उपक्रम राज. स्टेट माईन्स एण्ड मिनरल लि. उदयपुर ने सुरक्षा के लिए गार्ड्स, की आवश्यकता हुई और विपक्षी द्वारा एक्स सर्विस में सिक्क्योरिटी फोर्स एवं विजिलेंस सर्विस उदयपुर के साथ सिक्क्योरिटी गार्ड उपलब्ध कराने का अनुबन्ध हुआ था और प्राप्ति एक्स सर्विस

सिक्क्योरिटी फोर्स उदयपुर के निर्देशानुसार ही कार्य करता था। प्राप्ति से विपक्षी का कोई नियन्त्रण नहीं था, बल्कि मैसर्स एक्स सर्विस में सिक्क्योरिटी फोर्स एवं विजिलेंस सर्विस, उदयपुर के निर्देश और नियन्त्रण में ही कार्य करता था और मासिक वेतन ठेकेदार ही प्राप्त करता था, इसलिए प्राप्ति जब विपक्षी द्वारा नियुक्त ही नहीं था तो कोई सेवा समाप्ति करने का प्रश्न ही पैदा नहीं होता है। प्राप्ति की नियुक्ति मैसर्स एक्स सर्विस में सिक्क्योरिटी फोर्स, उदयपुर द्वारा दी गई थी जिसके कागजात सही स्पष्ट रूप से पेश कर दिए गए हैं। सम्पूर्ण पत्रावली और भुगतान वाउचर पेश किए हैं जो उदयरज को भुगतान किया गया है और संविदा जो ठेकेदार के साथ हुई थी, पेश है और जो लिस्ट भुगतान की है, उसमें कानाराम का नाम बार-बार आ रहा है, जो वर्ष 1995 का सम्पूर्ण रिकार्ड बाद में पेश कर दिया है, कोई प्रतीति नहीं है, क्योंकि प्राप्ति स्वयं का कथन है कि जो नियुक्ति विपक्षी के यहां हुई थी, राजस्थान सरकार का उपक्रम होने से लिखित आदेश से ही हुई थी। प्राप्ति ने हाजरी पता नहीं कहा से बना कर पेश की है और हाजरी रजिस्टर भी अगर विपक्षी के अधीन कार्यरत रहा तो 31-31 दिन की हाजरी नहीं भरी जाती है, क्योंकि उपस्थिति रजिस्टर में 'छुट्टियां' या रविवार या उसकी एवज में क्षतिपूर्ति अवकाश दिया जाता है, लेकिन 31-31 दिन और पूरे माह की हाजरी भरी गई है, यह उपस्थिति रजिस्टर कैसे भी माने योग्य नहीं रह जाता है, क्योंकि उपस्थिति रजिस्टर सरकारी अनुक्रम में ही भरा जाता है और रविवार के अवकाश सभी श्रमिक को उपलब्ध होते हैं, लेकिन यह उपस्थिति रजिस्टर भी ठेकेदार का ही प्रतीत होता है।

विद्वान अभिभावक विपक्षी का कथन है कि प्रदर्श-2 संजय कुमार का लिखा हुआ हो है तो भी डाक लाने से जाने का काम करता था, इससे कोई अन्तर नहीं पड़ता है, क्योंकि श्रमिक अगर कार्य करता है तो विपक्षी के कार्यालय में विपक्षी से निर्देशानुसार ही कार्य करता है। विद्वान अभिभावक विपक्षी की और से प्रदर्श-5 से प्रदर्श-29 तक के सभी दस्तावेजों का उल्लेख किया है और यह भी तर्क दिया कि कानाराम ने प्रदर्श-30 के जरिए भोलवाड़ा न्यायालय में औद्योगिक विवाद भी पेश किया है जो कानाराम ने जानबूझ कर इसकी अनभिज्ञता जाहिर की है, लेकिन इसमें भी जो विवाद आया है ठेके पर श्रमिक लेने का आया है, इसके पश्चात् यह दूसरा विवाद पेश कर दिया है। उदयरज को भोलवाड़ा के प्रकरण में पक्षकार बनाया गया है। श्रम निरीक्षक, चितौड़गढ़ के यहां भी विपक्षी का यह कहना था कि मांग पत्र से संबंधित न तो इनके कर्मकार हैं न ही राज. स्टेट माईन्स एण्ड मिनरल के रोल्लस पर है नियोजक ने अपनी रेलवे साईडिंग पर सुरक्षा हेतु ठेका दिया हुआ है। इसलिए नियोजक द्वारा कैजुअल श्रमिक नियोजित करने का प्रश्न ही नहीं है। इस प्रकार मांग प्रस्तुतकर्ताओं एवं नियोजक के मध्य कोई विवाद नहीं है। ऐसा विपक्षी की और से पहले ही कह दिया था, इसलिए जब प्राप्ति विपक्षी द्वारा नियुक्त श्रमिक ही नहीं था तो सेवा समाप्ति करने का कोई प्रश्न ही पैदा नहीं होता है।

दोनों पक्षों के उक्त तर्कों को सुना गया।

विद्वान अभिभावक प्राप्ति की और से एक महत्वपूर्ण तर्क राजस्थान अधिनियम में संशोधन कर दिया गया है जो माननीय

राजस्थान उच्च न्यायालय की खण्डपीठ का निर्णय में आया है। इस पर विचार किया गया। वर्ष 1982 में धारा 2(एस) ओ.वि. अधि. कर्मकार में संशोधन हुआ था और वर्ष 1982 के अधिनियम 46 के द्वारा संशोधन अधिनियम किया गया है और 21-8-1984 से यह संशोधन लागू हुआ। राजस्थान अधिनियम 34 वर्ष 1958 की धारा 31-7-60 से लागू हुई थी जो केन्द्रीय अधिनियम 46 वर्ष 1982 के प्रतिस्थापित होने से पूर्व यह संशोधन लागू था। वर्ष 1984 के बाद यह संशोधन स्वतः ही समाप्त हो गया जो संशोधन 1984 में संशोधन होने के बाद कोई नया संशोधन राजस्थान में नहीं हुआ है, इस तथ्य का खलसा औद्योगिक कानून द्वारा श्री पी.एल. मलिक वर्ष 1999 पुस्तक के पेज 1373 में स्पष्ट रूप से किया गया है और इसी लेखक की नई पुस्तक औद्योगिक कानून वोल्यू II के पृष्ठ 1812 में कर्मकार को परिभाषित किया गया है और राज्य संशोधन में महाराष्ट्र और पश्चिमी बंगाल का ही उल्लेख है, राजस्थान का कोई संशोधन वर्ष 1984 के बाद का नहीं दर्शाया गया है और न ही विद्वान अभिभावक प्राणी की ओर से ऐतः कोई संशोधन वर्ष 1984 के बाद का पेश किया गया है इसलिए जुलाई 1984 के बाद कोई संशोधन राजस्थान में नहीं हुआ और उसमें ठेकेदार के श्रमिक को मुख्य नियोजक के श्रमिक मानने से संबंधित नहीं है।

प्राणी पर यह भी समूत था कि वो अपनी साक्ष्य से यह साबित करे कि वह विपक्षी के नियोजन व नियंत्रण में था, लेकिन प्राणी ने बिन दस्तावेजों का सहारा लिया है उसके सम्बन्ध में विवेचन नीचे किया जा रहा है—

विपक्षी की ओर से मैसर्स एक्स सर्विस मैन् सिक्कोरिटी फोर्स एवं लिमिटेड सर्विसेज उदयपुर का श्रमिक कानाराम को बताया गया है नियोजक दुकान और वाणिज्यिक संस्थान सं. का यह लायन्स प्रदर्श-24 जारीगुवा है। जिसका नवीनीकरण दिनांक 31-12-2004 तक है और विवाद इस लायन्सेन्स का नहीं है। मुख्य रूप से यह देखना है कि प्राणी विपक्षी द्वारा नियुक्त था या नहीं ?

लायन्सेन्स पेश हुआ है और जो कागजात पेश हुए हैं, राजस्थान सरकार के उपक्रम के कागजात हैं और निर्मित रूप से लिए जाते हैं और जो पत्राचार हुए हैं जो एक तरह से राज्य सरकार के विभाग होने से ठसी अनुरूप हुए हैं। वर्ष 1995 से यह श्रमिक ठेके पर लिए जाने का क्रम चल रहा है। उपस्थिति भरने से संबंधित बचन की ओर विद्वान अभिभावक प्राणी ने ध्यान दिलाया कि हाजरी कानाराम की जहां भरी जाती थी और जो विभाग का इन्चार्ज होता था, वही भरता था। क्योंकि सम्पूर्ण कागजात विभाग की ओर से पेश कर दिए हैं और मूल अनुबन्ध प्रदर्श-2 पेश हो गया है। मूल अनुबन्ध प्रदर्श-2 में जो शर्तें हैं, उनमें साफ तौर पर लिखा है कि सुरक्षा कर्मचारी को ठेकेदार द्वारा उपलब्ध कराए गए हैं जो ठेकेदार के आदमी रहेंगी और उनको वेतन जो देन होगा और सभी सुविधा देय होंगी, सम्पूर्ण दायित्व ठेकेदार का होगा साथ ही यह भी है कि किसी भी स्टाफ जो ठेकेदार का कर्मकार है और फैक्ट्री में नहीं रखा जाएगा। यह सविदा पहली बार एक साल के लिए हुई थी और अधिव्य निधि एवं पी.एफ. के कागजात विपक्षी के कर्त्तव्य में होंगे। अनुबन्ध पर हस्ताक्षर दायरेक्टर उदयराज के हैं और उदयराज सौ से स्वीकार की हैं, उनको स्वीकार किया है सिपाही

को 750 रुपए, इवलदार को 900 रुपए, सुवेदार को 1100 रुपए और कैप्टन को 1500 रुपए दिए गए हैं। हालांकि विद्वान अभिभावक प्राणी ने यह तर्क दिया है कि कानाराम सिपाही नहीं है और जब भूतपूर्व सैनिक नहीं है तो विपक्षी ने कैसे स्वीकार कर लिया। लेकिन वह देखना नहीं है तथा इससे कोई अन्तर ही नहीं पड़ता है। यह अनुबन्ध ठेकेदार और विपक्षी प्रबन्धन के बीच में हुआ था जो कि एक सामान्य सरकारी विभाग के अनुभूत अनुबंध हुआ था। अनुबन्ध में रजिस्ट्रेशन नं. 128/एलाएच/26 साफ तौर पर लिया है और मुख्य प्रशासनिक अधिकारी आर.एस.एम. ने यह अनुबन्ध हस्ताक्षरित किया है दोनों पक्षों के बीच यह अनुबन्ध हुआ है, साफ सौ अनुबन्ध में लिखी हुई है इसकी कड़ी में प्रदर्श-3 पेश हुआ है। प्रदर्श-3 में सभी स्थानों पर जो ठेकेदार द्वारा जो सुरक्षा कर्मी उपलब्ध कराये गये हैं का तल्लेख और सौ वी विस्तृत रूप से लिखी हुई है और समय-समय पर इसी ठेकेदार का यह अनुबन्ध चल रहा है और पूर्व अनुबन्ध को आगे बहाल किया है तथा कागजात वर्ष 1986 से मूल हुए हैं। वर्ष 1993-96 के भुगतान का खीरा भी दिया गया है और बाउचर नम्बर भी दिए गए हैं, एक मुस्त भुगतान हुआ है और जब उदयराज के हस्ताक्षर से पत्र भुगतान के समय-समय पर मांग पत्र के रूप में पेश हुए हैं और अलग-अलग भी जारी हुए हैं। आर.एस.एम.एम. लि. की ओर से एक पत्र दिनांक 2-8-1995 को जारी हुआ है, जिसमें जुलाई, 1995 माह की उपस्थिति दर्शाई गई है और इसमें कन्ट्रैक्ट सुरक्षा कर्मी जो कि शम्भुपुरा में कार्यरत है, उनकी सूची में सातवें नम्बर में कानाराम का नाम है और शम्भुपुरा में 15 सुरक्षाकर्मी कार्यरत हैं। सिनीधर मैनेजर के हस्ताक्षर से वे कायम डिस्पेंज नम्बर 635 का है यह पत्र कानाराम को ठेकेदार की सुरक्षा में शम्भुपुरा में बतौर हुए उपस्थिति पंजिका का लिखित रेकार्ड पेश हुआ है उस पर कोई विवाद नहीं था, बल्कि 5 वर्ष बाद यह विवाद पैदा हुआ है।

इसी अनुक्रम में जो भुगतान मांगा गया है और जो भुगतान हुआ है, उपस्थिति श्रमिकों की भरी गई थी और उसमें कानाराम का नाम भी आया है जो मूल उपस्थिति रजिस्टर पेश हुआ है, इसमें कानाराम का नाम क्रम संख्या 6 पर है और पुलिस निरीक्षक आर.एस. एम.एम. लि. जामरकोटडा जहां शुरू में नौकरी थी, यहाँ कानाराम का नाम बताया गया है। इसके पश्चात् शम्भुपुरा में गया है। उपस्थिति रजिस्टर के अनुरूप ही उदयराज ने श्रमिकों का भुगतान समय-समय पर मांगा है और हाजरी रजिस्टर प्रमाणित करके दिया है हाजरी रजिस्टर सभी वर्षों के लगे हुए हैं अप्रैल, 1995 के पत्र क्रमांक 133 दिनांक 3-5-1995 हाजरी में कानाराम का नाम भी दर्शा रखा है और उपस्थिति बतौर ठेकेदार के सुरक्षाकर्मी बतल रखा है लगातार वह रेकार्ड दर्शा रहा है कि और बिल भी बनाकर सम्बन्धित भुगतान हुआ है जो उदयराज ने बिल की राशि मांगी है और भुगतान उदयराज को हुआ है। वर्ष 1996 में जो शम्भुपुरा में ठेकेदार के सुरक्षाकर्मी के बतौर कानाराम का नाम क्रम संख्या 13 पर दर्शा रखा है। उपस्थिति 3-5-1996 को लिखी गई है और हाजरी रजिस्टर की प्रति साथ में लगा रखी है, सभी प्रत्येक माह में उपस्थिति पंजिका लगी हुई है और उदयराज ने जो इन समय में सुरक्षाकर्मी का वेतन था और वेतन का मांग पत्र बना कर दिया और वेतन का भुगतान हुआ है, कोशियर ने भुगतान किया है और वाउचर नम्बर लगा कर निर्दिष्ट तारीखों पर भुगतान किया है जो इकट्ठा भुगतान किया गया है, प्रत्येक माह और वर्ष के भुगतान का रिकार्ड जो पेश हुआ है, तत्समक सत्योक्त है कि

गवा। आर.एस.एम. लि. का सामान्य खाता दिनांक 1-4-1997 से 31-3-1998 तक का लिखा है, जिसमें पूरे वर्ष का जो वेतन भुगतान के श्रमिकों को भुगतान किया गया है उसका वर्णन किया गया है और 31-3-1998 तक का है। इसका मिलान बाउचर भुगतान से होता है और लिस्ट में जो दर्शाए गए व्यक्ति हैं, उसमें कानाराम का नाम भी है, फिर बैंक पेमेन्ट बाउचर से भी भुगतान हुआ है और वर्ष 1998 में हुआ है। उदयराम ने पैसे विपक्षी से मांगे हैं और प्रत्येक माह का पैसा जोड़ कर भुगतान बाउचर से हुआ है। सम्पूर्ण उपस्थिति रजिस्टर सत्यापित सहित पेश हुए हैं। कानाराम का नाम इस लिस्ट में है जो बार-बार आ रहा है। जून, 1998 का भी भुगतान इस तरह से ही हुआ है और बाद के समय के भी भुगतान उदयराम को हुए हैं। उपस्थिति रजिस्टर मई, 1998 में कानाराम का नाम है। उपस्थिति स्वाभाविक है कि विपक्षी द्वारा ही भरी जाती है और उपस्थिति प्रमाणित करके बिल के साथ उदयराम विपक्ष को सबमिट करता था और जो उदयराम के दस्तावेजों से उपस्थिति रजिस्टर पेश हुए थे, जिनमें साफ तौर पर पत्र में लिखा था कि अटेंडेन्स रीट संलग्न है। सभी ब्यूरा देकर उदयराम प्रशस्तिपत्र से पैसे मांगता था और इसी अनुरूप वेतन का भुगतान हुआ था। यह स्थिति वर्ष 1998 तक चली है। वर्ष 1998 में दिनांक 3-11-1998 के पत्र भी ठेकेदार के श्रमिक के बतौर कानाराम का नाम क्रम संख्या 5 पर दर्शाया गया है। उपस्थिति प्रमाणित की गई है और यह उपस्थिति कोई बाद में बनती नहीं है, क्योंकि 1998 में जो प्रशासनिक अधिकारी होंगे तो बाद में कोई नया पत्र निर्मित हो ऐसा भी नहीं कहा जा सकता है। नवम्बर, 1998 के बाद भी स्थिति इसी तरह सामने आ रही है, क्योंकि प्रमाणिकरण के परचासू 39477 रुपए का भुगतान उदयराम द्वारा मांगा गया है। डिटेल् और उपस्थिति रजिस्टर का प्रमाणिकरण दिया गया है। अक्टूबर, 1998 की उपस्थिति जो विपक्षी के कार्यालय में उदयराम ने पेश की है, उसमें श्री कानाराम का नाम है। बिल इसी अनुरूप नियमित बनते आ रहे हैं। कोई विमंगलता नहीं है। और उदयराम हाजरी रजिस्टर प्रमाणित करके कार्यालय में देता था और विपक्षी के यहां बिल सरकारी कार्यालय की तरह ही बनते हैं और उदयराम ने हर बार हाजरी रजिस्टर प्रमाणित करके दिए हैं। फरवरी, 1999 का रिकार्ड भी विपक्षी का देखा गया, उदयराम ने वेतन मांगा है और इस पर उप-अधीक्षक पुलिस आर.एस.एम. द्वारा भुगतान उपस्थिति रजिस्टर पेश किया है, जिसमें कानाराम का नाम क्रम संख्या 6 पर अंकित है और यह 8 आदमी का वेतन हैड गार्ड पूरे माह और 7 सिब्यूरीटी गार्ड का रुपया 14217.38 रुपया मांगा है। उदयराम ने अटेंडेन्स रजिस्टर संलग्न करके दिया है और इसका भुगतान भी उदयराम को हुआ है। इसी तरह दूसरे माह का भी उपस्थिति रजिस्टर प्रबन्धन के यहां पेश किए हैं और प्रमाणित प्रतिलिपि प्रमाणिकरण कराई गई है, इसी अनुरूप सम्पूर्ण रिकार्ड जो विपक्षी ने पेश कर दिया है जो ठेकेदार को भुगतान हुआ है। प्रदर्श-43 के जरिए भी भुगतान ठेकेदार का हुआ है।

कुछ रिकार्ड मूल नहीं हैं, लेकिन जो रिकार्ड पेश हुआ है उसमें ठेकेदार ने जो राशि मांगी है और भुगतान हुआ है, उसमें कानाराम को ठेकेदार का गार्ड बताया और भुगतान भी ठेकेदार को इस का बिल बनाकर किया गया है। यह सम्पूर्ण रिकार्ड दर्शा रहा है। हाजरी रजिस्टर

स्वभाविक है कि विपक्षी के यहां भरी जाती थी और उपस्थिति पर कोई विवाद भी नहीं है। अनुबन्ध ठेकेदार से हुआ था और कार्य स्वाभाविक है कि विपक्षी के नियन्त्रण में करना था, उपस्थिति जो पेश हुई है, कोई विवाद नहीं है। विद्वान अधिष्ठावक प्राणी का कथन है कि प्रदर्श एम-2, एम-3, एम-4, एम-5 व प्रदर्श-15 से लगायत प्रदर्श-22 तक के जो कागजात पेश किए गए हैं उसको बाद में बनाकर पेश किए गए हैं और ठेकेदार का आदमी बताते हुए जो हाजरी रजिस्टर लिए गए हैं वे बाद में सोची समझी योजना के तहत लिखे गए हैं। लेकिन यह तर्क मानने योग्य नहीं है क्योंकि विपक्षी संस्था निजि संस्था नहीं है बल्कि राज्य सरकार का उपक्रम है क्योंकि पंजीक में ठेकेदार का आदमी होना लिखा है और यह जून, 1998 में किया है व सीधा शम्भुपुरा में किया गया है वह ठेकेदार का श्रमिक होना मान कर किया गया है और इसमें प्रार्थी के भी हस्ताक्षर हैं, हालांकि प्रार्थी ने यह कह कर चलने का प्रयास किया गया है कि उसके हस्ताक्षर हों तो पक्का नहीं। क्योंकि कोई आदमी अपने हस्ताक्षर नहीं पहचानता हो ऐसा नहीं है।

अतः इस सम्पूर्ण दस्तावेजों से यह निष्कर्ष निकलता है कि कानाराम विपक्षी द्वारा नियुक्त नहीं था और विपक्षी के यहां कोई सेवा शर्तें मानने हेतु बाध्य नहीं था, बल्कि विपक्षी का नियन्त्रण था और उदयराम को इसका भुगतान हुआ है और उदयराम तथा विपक्षी प्रबन्धन के बीच ही अनुबन्ध हुआ है और ठेकेदार एक निश्चित राशि ठेकेदार को दी जाती थी और उसी ने सुरक्षा एजेंसी के गार्ड उपलब्ध कराए थे, इसलिए विपक्षी द्वारा कानाराम को नियुक्त नहीं किया गया था और यदि विपक्षी द्वारा कानाराम नियुक्त नहीं था तो सेवा से पृथक् करने का प्रश्न ही पैदा नहीं होता है।

इसलिए प्रार्थी कानाराम विपक्षी राजस्थान स्टेट माईन्स एण्ड मिनरल्स लि. का कर्मचारी नहीं था, इसलिए सेवा से पृथक् करने का कोई प्रश्न ही पैदा नहीं होता है और जब विपक्षी द्वारा नियुक्ति ही नहीं दी तो सेवा से पृथक् करने का प्रश्न ही पैदा नहीं होता है, इसलिए प्रार्थी कोई राहत पाने का भी अधिकारी नहीं है।

अतः भारत सरकार द्वारा प्रेषित विवाद दिनांक 28-3-2001 को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि-प्रार्थी कानाराम पिता श्री सीताराम विपक्षी राजस्थान स्टेट माईन्स एण्ड मिनरल्स लि. उदयपुर का कर्मकार ही नहीं था और उसे विपक्षी द्वारा कोई नियुक्ति ही नहीं दी गई तो विपक्षी द्वारा उसे दिनांक 1-3-2000 या अन्य किसी दिनांक को सेवा से मुक्त करने का प्रश्न ही पैदा नहीं होता है इसलिए प्रार्थी कोई राहत पाने का हकदार नहीं है।

पंचाट प्रकाशनार्थ भारत सरकार को भेजा जावे।

पंचाट आज दिनांक 29-4-2008 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

बलदेवपुरी गोस्वामी, पीठासीन अधिकारी

नई दिल्ली, 10 जून, 2008

का. आ. 1594.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, नेशनल इण्टरप्राइजेज के प्रबंध

सत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या आईटी-60/2002 को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-29012/104/2001-आई.आर. (एम.)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 10th June, 2008.

S. O. 1594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2002) of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of M/s National Enterprises and their workmen, received by the Central Government on 10-6-2008.

[F.No-L-29012/104/2001-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR

COURT, BHUBANESWAR

Present : Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 60/2002

Date of Passing Award-28th April, 2008

Between :

The Management of M/s. National Enterprises,
Contractor, At/P.O. Barbil, Distt. Keonjhar.

1st Party—Management

And

Their Workman, Shri Bankim Mishra,
At/P.O. Jajang, Via-Joda, Distt. Keonjhar.

—2nd Party-Workman

Appearances :

Srimanta Das —For the 1st Party-
Management.

Shri Bankim Mishra —For Himself—the 2nd
Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No.-29012/104/2001-IR(M), dated 2-5-2002.

“Whether the action of the Management of M/s. National Enterprises, Contractor, Jajang Mines of Rungta Mines Ltd., At/P.O. Barbil,

Distt. Keonjhar by terminating Shri Bankim Mishra Mines, Foreman from service w.e.f. 28-7-2000 is justified? If not, what relief the workman is entitled to?”

2. The 1st Party-Management M/s National Enterprises is admittedly a Contractor establishment operating in Jajang Iron Mines of M/s. Rungta Mines having its office at Barbil in the District of Keonjhar. It is alleged by the 2nd Party-Workman that he joined in the establishment of the Management on 1-8-1999 as a Mining Foreman and continued as such from month to month with all sincerity. But all of a sudden on 28-7-2000 he was refused employment without any advance notice or retrenchment compensation and that on his making representation on 28-8-2000 and on 28-7-2000 the same yielded no result. Hence he raised an Industrial Dispute before the Labour Enforcement Agency, Rourkela on 30-9-2000 culminating the same in the present reference. It is alleged further by the workman that for no fault of his own he was terminated illegally by the Management in violation of Section-25F of the Industrial Disputes Act.

3. In reply to the above contention of the workman it is submitted by the Management that the workman in question was appointed as a Mines Foreman and his duty was supervisory in nature. He was also getting Rs. 1600 per month as his wages and as such he is not a workman under Section 2(s) of the Industrial Disputes Act. It is further contended by the Management that the disputant-workman was not sincere and regular in attending his duties and that by habit he used to change employer after employer from time to time and that while working in the establishment of the Management he got himself involved in a criminal case and went to jail custody from 5-7-2000. After suffering jail term he came on 26-7-2000 but did not like to work under the Management and in consequence submitted his resignation on 30-7-2000 voluntarily. While accepting his resignation the Management in its letter dated 1-8-2000 asked him to hand over complete charge of his office to the Incharge of the Mines and to vacate the quarters and receive his full and final dues from Barbil office. It is further contended by the Management that having coming to know about such a letter the workman avoided to receive the said letter and absconded and then raised the dispute. With the above averments the Management has contended in nutshell that the present reference is not maintainable in the eye of law.

4. On the basis of above pleadings of the parties the following issues were framed :

ISSUES

1. Whether the reference is maintainable?
2. Whether the 2nd Party is a “Workman” as defined under Section 2(s) of the Industrial Disputes Act, 1947?
3. Whether it is a case of termination or resignation?

4. Whether the dispute can be adjudicated in absence of the Principal Employer?

5. If not, what relief the 2nd Party is entitled?

5. After framing of the above issues the case was posted from time to time for hearing but the workman did not appear continuously for which he was set ex-parte on 28-6-2007 and the ex-parte evidence of the Management was recorded accordingly. Thus this ex-parte award.

FINDINGS

ISSUE NO. 1, 2, 3, 4 AND 5

6. All the issues are taken up together for the purpose of convenience :

The unchallenged evidence of the Management shows that the disputant was working as a Mining Foreman since 1996 and his duty was to supervise the work of those of the workers who were engaged in raising the ore from the mine and that, he was getting a salary of Rs. 3000 per month as is evident from the monthly salary sheet marked Ext.-A. In view of the above the disputant can not be regarded as a workman within the definition of the term and as such the dispute raised by the disputant is not maintainable under Industrial Disputes Act. Further more the evidence of the Management shows that while the workman was in service he got himself involved in a criminal case and went to jail custody and thereafter did not like to work under the Management. On the other hand he tendered his resignation on 30-7-2000 vide Ext.-B. Ext.-C indicates that his above letter of resignation was accepted by the Management and he was asked to hand over charge of his seat and the quarters allotted in his favour and to collect his full and final dues on any working days after complying the above requirements. Thus when from the above unchallenged evidence of the Management it appears that the termination of the disputant is the resultant out-come of his tendering resignation, there appears no merit in the dispute raised by him.

7. Accordingly the reference is answered ex-parte against the workman with no relief.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 10 जून, 2008

कार.आ. 1595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एस. कुमार हैंडलिंग एजेंसी के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय मुवनेश्वर के पंचाट (संदर्भ संख्या आई डी- 36/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-08 को प्राप्त हुआ था।

[फा. सं. एल-26011/1/2004-आई. आर.(एम)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S.O. 1595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. I.D. -36/2004) of the Central Government Industrial Tribunal / Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. S.Kumar Handling Agency and their workman, which was received by the Central Government on 10-6-08.

[F. No. L-26011/1/2004-IR(M)]

KAMAL BAKHRU, Desk Officer
ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT BHUBANESWAR

Present :

Shri N. K. R. Mohapatra,
Presiding Officer, C.G.I.T.- Cum -Labour Court
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 36/2004

Date of Passing Award—21st April, 2008

Between :

The Management of M/s. S.Kumar Handling
Agency, M.M.T.C. Railway Siding, Station
Road, P.O. Barbil, Keonjhar.

...1st Party- Management.

And

Their Workmen, represented through the
General Secretary, North Orissa Workers
Union, P.O.Barbil, Dist. Keonjhar.

...2nd Party - Union.

Appearances:

None. ...For the 1st Party-
Management.

Shri B.S. Parti, ...For the 2nd Party-
General Secretary, Union

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L- 26011/1/2004-IR (M), dated 18-05-2004.

"Whether the demand of the North Orissa Workers Union, At/Po.Barbil, Dist. Keonjhar demanding 20% bonus for accounting year 2002-2003 to all workers working under M/s. S.K. Handling Agency, Contractor, M.M.T.C., Barbil is justified? If not to what relief the workmen are entitled to?"

2. This dispute has been raised by the North Orissa Workers Union, Keonjhar claiming 20% Bonus for the workers of the Management (M/s. S. Kumar Handling

Agency) a Contractor under M.M.T.C. Barbil Railway Sliding for the accounting year 2002-2003.

3. After receipt of the above reference the Union sent his Statement of claim to the Management but on the failure of the latter to appear the Tribunal sent further notice to the Management but it was of no consequence. As a result the said Management was set ex-parte on 13-6-2007 and the ex-parte evidence of the Union was taken through affidavit.

4. In the aforesaid affidavit the General Secretary of the Union deposed that the establishment of the Management is an industry within the definition of Section 2(f) of the Industrial Disputes Act and that its main business is to load and unload the minerals of the M.M.T.C. at the railway sliding for its further use. To carry out the above business the Management had engaged workers but not paying any bonus as per law. According to him bonus is dependent upon profit earned by the employer and the concept of bonus is nothing but profit sharing amongst the partners in the process of production/business. He further deposed that since the Management has not come forth and produced any documents relating to his profit and loss account and other documents or figures relating to payment of wages and bonus to his workers, the percentage of bonus and ex-gratia at the rate of 20% as claimed by the Union should be allowed.

5. During cross-examination made by the court the witness could not say under which act such bonus is payable and what are the various grounds under which such benefit accrues to a worker of the above Management.

6. As per Section 3 of the Payment of Bonus Act 1965 the said Act is applicable (a) to every factory as defined under Clause -m of Section 2 of the Factories Act and (b) to every other establishment in which 20 or more persons are employed on any day during an accounting year. Since admittedly the Management was a contractor engaged in a mine, his establishment can not be regarded as a factory as per the definition of the said term. In so far the requirement of Clause-b of Section -3 of the Payment of Bonus Act the Union has also not adduced any evidence as to how many persons are being engaged by the Management in furtherance of his activities and as such the establishment of the Management can not also be brought under the purview of Clause-b of Section -3 of the Bonus Act. However, considering for a moment that the Management used to engage 20 or more persons to carry out his business it is to be seen how far the Management is liable to pay 20% bonus to its worker.

7. As per special provisions laid out under Section 16 of the Payment Bonus Act where an establishment has been newly set up, calculation of bonus payable to the workers is to be calculated at a varied rate up till 8th accounting year following the accounting year in which the employer sells the goods or

renders services as per the illustrations given under 4th Schedule. But there is nothing in the evidence of the Union as to when the Management came into being and when it started rendering service. Furthermore under Section 10 of the Payment of Bonus Act, minimum bonus is payable to a worker subject to other provisions of the said Act @ 8.33% of the salary or wages earned by the employee during the accounting year or Rs. 100 whichever is higher whether or not the employer has any allocable surplus in the accounting year. Section 11 of the said Act further postulates that if the allocable surplus exceeds the amount of the minimum bonus payable to the employees under section 10, the employer shall in lieu of such minimum bonus would be bound to pay every employee in respect of that accounting year bonus which shall be an amount in proportionate to the salary or wages earned by the employee during the accounting year subject to a maximum of 20% of such salary or wages. It be noted here that, while claiming 20% bonus no evidence worth the name has been adduced as to whether the workers were getting earlier any minimum bonus of 8.33% in any year prior to 2002-03 accounting year. No evidence has also been placed with the Tribunal as to what are the allocable surplus shown by the Management in his profit and loss account so as to arrive at a decision as to the justification of the claim of the Union. During trial the Union Secretary has of course offered an explanation that these documents should have been filed by the Management. But when the Union has raised the dispute claiming 20% of the bonus and there being no whisper from his side as to whether the workers were being paid the minimum bonus as required under section 10 of the Union with the above plea cannot shift the burden to the Management. From the above discussions I thus find that the evidence adduced by the Union is quite unspecific and insufficient to reach at a conclusion and as the reference is answered ex-parte against the Management in negation.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 10 जून, 2008

का.आ. 1596.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध निवेशकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय अहमदाबाद के पंचाट [संघर्ष संख्या 1210/2008(पु.सं.सं.-1439/04)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-08 को प्राप्त हुआ था।

[का. सं. एल-30011/45/2004-आई. आर.(एम.)]

कमल नाखरु, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S.O. 1596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central

Government hereby publishes the award (Ref. No. 1210/2008 (old Ref. No. 1439/04)) of the Central Government Industrial Tribunal / Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ONGC and their workman, which was received by the Central Government on 10-6-08.

[F. No. L-30011/45/2004-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL AT AHMEDABAD

BEFORE SHRI P. R. DAVE

Reference (ITC) 1210/08

Old No. Reference (C.G.I.T.A.) No. 1439/04

ADJUDICATION

Between:

- 1 The Chairman & Managing Director,
O.N.G.C. Ltd
Tel Bhavan,
Dehradun- 248001
- 2 The Group General Manager,
O.N.G.C. Ltd.,
Ahmedabad Project,
Chandkheda,
Ahmedabad (Gujarat)

....1st Party- Union.

AND

Branch Secretary,
O.N.G.C. Electrical & Allied Staff Association,
Digvijay Nagar,
Ahmedabad Project,
Ahmedabad (Gujarat).

....2nd Party

Appearances:

Shri K. V. GadhiaFor the 1st Party
Shri R. C. ShuklaFor the 2nd Party

AWARD

This Industrial Dispute between the above said parties was referred by the Under Secretary, Government of India, Ministry of Labour, New Delhi vide his Order No. L- 30011/45/2004-IR (M), dated 17-08-2004 to the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad for adjudication under Section 10 (1) and 10 (2A) of the Industrial Disputes Act, 1947. The subject of the dispute is referred to in the Schedule as under :

SCHEDULE

Whether the demand of ONGC Electrical & Allied Staff Association, Ahmedabad regarding
(1) Rectification of norms for Electrical staff
(2) Affixing of proper seniority to Shri P.T. as, Asstt. Foremen (Electrical) and (3) payment of Special Allowance to Electrical Workshop

Technician doing auto electrical work is justified and legal? If so, what relief the Union is entitled?

2. After this dispute is referred to as mentioned above, again the same dispute is subsequently transferred to this Tribunal for adjudication.

3. It is on record of the reference that the parties were served, the second party had filed statement of claim on 2-5-2005 and the first party had filed written statement on 1-8-2007 and the matter was thereafter kept for hearing.

4. Meanwhile, the second party through his representative had filed withdrawal purshis dated 28-4-2008 Ex. 7 before this Tribunal praying for closing the case of second party at this stage as the demand is not much benefited to workman and as the individual is not interested as he retires from service of O. N. G. C. Limited.

5. It appears that by filing this withdrawal purshis, the second party wants to withdraw his reference and does not want to pursue further the demand and hence, in the interest of the justice, keeping in view the submissions made in this withdrawal purshis, it is proper to grant permission to withdraw this reference and hence, the following order is passed.

ORDER

In view of the withdrawal purshis Ex. 7 of the second party, the permission is granted to withdraw the reference as prayed for in this withdrawal purshis and the reference is disposed of accordingly. No order as to costs.

Ahmedabad.
28-4-2004

P. R. DAVE, Presiding Officer

नई दिल्ली, 10 जून, 2008

का.आ. 1597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय अहमदाबाद के बचाव (संदर्भ संख्या 1530/2008/पु.सं.सं.-171/06) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-08 को प्राप्त हुआ था।

[फा. सं. एल-30011/40/2006-आई. आर.(एम)]

कमल बाखर, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S.O. 1597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 1530/

2008 (Old Ref. No. 171/06) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ONGC and their workman, which was received by the Central Government on 10-6-08.

[F.No. L-30011/40/2006-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL (CENTRAL) AT
AHMEDABAD

BEFORE SHRI Y. P. BHATT

Reference (ITC) 1530/08

Old No. Reference (C.G.L.T.A.) 171/06

ADJUDICATION:

Between:

1. The Chairman & Managing Director,
O.N.G.C. Ltd
Jeevan Bharti Building,
Cannaught Place,
New Delhi- 110001
2. Executive Director,
O.N.G.C. Ltd.,
Ahmedabad Asset,
Chandkheda,
Ahmedabad (Gujarat)

—1st Party

AND

The workmen represented by :

General Secretary,
O.N.G.C. Electrical & Allied Staff Association,
C-191, Raheshwari Society, IOC
Tragad Road,
Digvijay Nagar,
Ahmedabad (Gujarat).

—2nd Party

Appearances:

Shri K.V. Gadhia ...For the 1st Party

Shri R.C. Shukla ...For the 2nd Party

AWARD

This Industrial Dispute between the above said parties was referred by the Under Secretary, Government of India, Ministry of Labour, New Delhi vide his Order No. L-30011/40/2006-IR (M), dated 11-9-2006 to the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad for adjudication under Section 10 (1) of the Industrial Disputes Act, 1947. The said dispute was

subsequently transferred to this Tribunal by order of the competent authority. The dispute between the parties relates to the following demands of the workmen concerned.

"Whether the action of the management of ONGC by violating their own sanction orders No. AMD/HBA/292/2000/3078 dated 20-12-2000 in respect of Shri D.K. Pandey and another order vide No. AMD/HBA/2181/2000/730 dated 4-8-2000 in respect of Shri Siyaram Verma regarding the deductions of HBA advance in 180 installments instead of 90 installments is legal and justified? If not, what relief the workmen are entitled to and to what extent?"

After the case was transferred to this Tribunal, the notices were sent to the parties and the learned representative of the second party had also obtained an adjournment for filing written claim statement. Thereafter, the case was adjourned but on 25-4-2008, the learned representative for the second party workmen filed a purshis at Ex. 8 stating that the loan amount has been recovered from the salary of Shri D.K. Pandey and Shri Siyaram Verma and hence, now the union is not interested to proceed with this case.

On 28-4-2008, the learned representative of both the parties took the matter on board and asked this Tribunal to pass appropriate order. After hearing the parties, this Tribunal passed the following order.

ORDER

Shri R.C. Shukla is present for the second party union and Shri K.V. Gadhia is present for the First party management. It appears from this application as also from the submissions of the learned representative Shri R.C. Shukla and Shri K.V. Gadhia that this dispute has now become infructuous as the amount/installment for which this dispute was raised has already been recovered by the management of the first party from the salary of the two concerned workmen. Now, therefore, nothing remains for adjudication. This Reference case is, therefore, disposed of as "not pressed". No order as to costs.

Ahmedabad

Dated 28-04-2008

Y. P. BHATT, Industrial Tribunal (Central)

नई दिल्ली, 10 जून, 2008

का.आ. 1598.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल वेयर-हाऊसिंग कॉर्पोरेशन, चंडीगढ़ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं-1, चंडीगढ़ के पंचाट (संदर्भ संख्या आई डी-19/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-08 को प्राप्त हुआ था।

[का. सं. एल-42012/9/92-आई आर(एम)]

कमल बाखर, डेस्क अधिकारी

New Delhi, the 10th June, 2008

S.O. 1598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. I.D. 19/1994) of the Central Government Industrial Tribunal / Labour Court-1, Chandigarh, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corp., Chandigarh and their workman, which was received by the Central Government on 10-6-08.

[F.No. L-42012/9/92-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDERA KUMAR SHARMA
PRESIDING OFFICER CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH
Case No. I.D. 19/1994**

General Secretary CWC Workers Union, SCO 84-85,
Sector-17, Chandigarh.

....Applicant

Versus

Regional Manager (IC), CWC Regional Office, SCO 84-85,
Sector-17, Chandigarh.

.....Respondent

Appearances :

For the workmen Shri M.M. Putney
 Advocate

For the management Shri Pardeep Sharma
 Advocate

AWARD

Passed on 23-5-2008 in Lok Adalat

Central Govt. vide notification No. L-42012/9/92/IR(M) dated 1-02-1994 has referred the following dispute to this Tribunal for adjudication :—

"Whether the following demands raised by CWC Workers Union (NZ & HO), New Delhi in respect of Shri Kailash Chander on the Regional Manager Central Warehousing Corporation, Chandigarh are justified? If yes then to what relief the concerned workman is entitled to and from which date?"

Demand No. 1: To regularize Shri Kailash Chander from the date of his recruitment.

2. To pay him same wages as paid to his regular counterpart from the date of his initial recruitment?

The present reference was made by the Central Govt. on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and to regularization of his services and for grant of wages as paid to his regular counterpart chowkidars.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in prelok adalat meeting on 23-5-08 for its disposal by adopting the mediation and conciliation mechanism with the efforts of the Tribunal, the workman, a senior citizen, is present. On behalf of the management Shri K.S. Jaryal is present. Long discussion took place and it is settled between the parties that the workman will withdraw his present reference for the reasons that his service was regularized on receiving the consent from the Board of Directors. It has also come to the notice of this Tribunal that as soon as the order of relaxation in age and education was conveyed to the prescribed authority, the services of the workman were regularized without any delay. On this assertion the workman withdraws the present reference. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat. Cental Govt. be informed. File be consigned to record.

Announced

23-5-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 29 मई, 2008

का.आ. 1599.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्यू सी एल के प्रबंधन, के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 72/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-2008 को प्राप्त हुआ था।

[फा. सं. एल-22012/348/1997-आईआर(सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 29th May, 2008

S.O. 1599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 72/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Western Coalfields Ltd. and their workman, which was received by the Central Government on 29-5-2008.

[F.No. L-22012/348/1997-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Reference No. CGIT/NGP/75/2001

Petitioner: Shri Santosh Kumar Gupta C/o Shri Babulal Gupta (Nema) Near Ulapadan Van Mandal Bara parattar, Mohala, Sioni Tehasil & District Sioni, M. P.

Party No. 1

Versus

Respondent: The Sub area Manager, M/s Western Coal Fields Rajur Sub area PO Rajur Wani Dist Yeotmal (M.S.)

Party No. 2

AWARD

[Dated: 21 of May, 2008]

1. The Central Government after satisfying the existence of the disputes between Shri Santosh Kumar Gupta Party No. 1 and Sub area Manager, M/s. Western Coal Fields Rajur Sub area Rajur Wani Dist Yeotmal Party No. 2. The Sub area Manager, M/s. Western Coal Field Rajpur Sub area PO Rajur Wani Dist. Yeotmal referred the same for adjudication to this Tribunal vide its Letter No. L-22012/348/97AR(C-II) Dt. 01-10-2001 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial Disputes Act, 1947 [14 of 1947] (1) with the following schedule :—

"Whether the action of the management of Rajur Sub Area of Western Coalfields Ltd. in terminating Sh. Santosh Kumar Gupta, S/o Babulal Gupta Cat. I Mazdoor from services is, legal and justified? If not to what relief Sh. Gupta is entitled to?"

In response to the notices of this tribunal the parties No 1 and 2 appeared and filed their Statement of claim and W.S. respectively.

2. The petitioner Sh. Santosh Kumar Gupta has claimed that he was appointed as General Mazdoor category no. 1 on 21/22/Nov 1982. He worked up to 11-7-84. He was dismissed from the services on 11-07-08. However he was taken back on the same day. The dismissal order was not served on him. He learned about it after 1989.

3. He contended that on 06-02-84 he applied for the loan of Rs. 2000 in necessary form. He was asked to sign the register for having received the amount without paying any amount. He approached for ventilating the grievances to the management but he was driven out of the office threatening that he would be handed over to the police. He was served with the charge sheet on 10-05-84 keeping under suspension. It is alleged that the enquiry was not fair and proper. He was not given opportunity of being heard. It was not in accordance with the principles of natural justice and in accordance with the Standing Orders of the Western Coalfields Ltd. in spite of repeated representations till 1989 and as he was not taken back he took the resource of I. D. Act by raising dispute before ALC.

4. The respondent filed its w. s. Having denied all the allegations against it, submitted that the petitioner on

5-02-84 at about 11 A.M. entered in the office of the Project Officer, Rajur Sub Area and misbehaved with him. He tried to black mail him saying that he would publish regarding the misappropriation in the office in news papers. He threatened to kill the Project Officer. It was serious misconduct committed by the petitioner. Accordingly after initiating D.E. considering the serious nature of the misconduct, he was dismissed from the service. It has supported that the enquiry was legal, fair and proper and the punishment of dismissal considering the seriousness of misconduct was also proper. He was admittedly dismissed on 11-7-84 whereas he applied to A.L.C. on 21-07-97 after about 13 years. It has contended on behalf of the management that the application being belated is not maintainable. Even the appropriate Government has refused to refer the matter to Tribunal/L.C. because it was belated. It has denied that the petitioner has completed 240 days continuous service in one calendar year and acquired any permanency. Finally it has prayed to dismiss the petition as it is without substance.

5. Firstly let us consider the issue regarding the delay. Apparently the petitioner has approached on 21-07-1997, after 13 years raising the dispute before the Labour Commissioner. It is inordinate and fatal delay though no limitation is prescribed under ID. Act. The petitioner gives the reasons for delay that he was making the representation and was promised. He has filed the alleged 14 copies of his representation in the court on 23-04-07. In fact they are not the copies at all. They are in the hand writing of the petitioner, without any acknowledgement or any signature in token of receipt of them. Such type of documents can be prepared at any time. They are not reliable at all. Even assuming that he represented under these applications Once in a year and for 13 years, how they can be helpful for justifying the delay. It is a fact that there is order on record showing that even the appropriate Government initially had refused to refer the dispute to CGIT. It is unknown as to the how the Government has again considered it and changed its earlier decision. There is nothing to prove that any assurance was given as alleged. The petitioner in his statement of claim has mentioned that he was dismissed on 11-07-84 but the order was served in the year 1989. I do not find the order of dismissal in the enquiry papers. There are no disputes regarding the date of dismissal however no documents are produced by the petitioner to prove that it was served in the year 1989. Even his evidence adduced on affidavit is also silent about it. It is not the case of the petitioner that it was reason for delay in approaching the Labour Commissioner. I fail to understand as to how the year 1989 is referred in the statement of claim and what the base was for it. The reasons given that he was hopeful about taking back and the management has assured him are hard to believe and accept. The same thing regarding his allegations in the statement of claim that the order dated 11-7-84 of the dismissal was taken back. Nothing is submitted on that ground. No proper explanation is given for delay of 13 years. It is considerably inordinate, treating the reference as stale and raising presumption that it was settle in the light of the principles of the cases mentioned below.

6. The management cited case of hon. Karnataka H.C. reported in 2004-II-LLJ, page 212, where in the dispute was rejected by LC wherein the termination dated 15-2-1982 was challenged on 14-2-1996 before Labour Commissioner observing that it was stale and deemed as settled by the laps of time. The similar observations were made in reported cases in AIR 2000 - I - L.L.J. 561 by Hon. S.C. and in 1998 LAB I C page 1702 by Hon. Allahabad H.C. and refused to grant any relief. In view of the principles of the above cases the Central Govt ought to have refused to refer the dispute. In my view also application of the petitioner being delayed had become stale even at the time of referring it and it is not maintainable. On this ground only the reference is liable to be dismissed; however I am giving my findings on the merit also.

7. While considering validity of the enquiry the management admitted that it was not properly conducted. It requested to set aside enquiry and allow it to prove the charges against the petitioner before the Tribunal. Accordingly the management was permitted to prove the charges against the petitioner. Both the parties asked to adduce the evidence to prove their respective contentions. Accordingly the management examined 1. Sh. Kishor Barve who was Project Officer, Rajur colony 2. Sh. Chandrashekhar Khod and 3. Sh. Pratap Kashyap who were working as clerk and present at the time of incident. While the petitioner examined himself in his defence. It seems that the petitioner was charged of having committed misconduct on 6-02-84 at 11 A.M. by entering in to chamber of Project Officer Sh. Barve. It is alleged that the petitioner demanded a loan of Rs 2000 and on refusal threatened him of publishing some objectionable material against management. He also threatened of dire consequences, abused in a filthy language and assaulted him which is misconduct as per standing orders. There are no disputes regarding the legal position that it is serious/major misconduct as per standing order 16 (i) (r) under which a punishment of dismissal can be issued. No doubt he challenged the punishment as shockingly disproportionate which will be considered at the latter part of the judgment; suffice it to say that there are no disputes regarding the legal position. The petitioner in defence denies the incident and alleges that his signatures were obtained on the revenue stamp in the register for having received the amount and refused to pay it to him. I heard both the counsels for the parties. They have submitted the written notes of arguments also. I have gone through the evidence, the documents of the parties and the notes of arguments. On the basis of the record and submissions of the parties the only question that arises for my consideration is as to:—

“Whether the evidence of the management is sufficient, convincing and reliable to prove the charges against the petitioner?”

8. Mr. Barve the Project Officer has stated as to how the incident has taken place in details. His evidence shows, the petitioner entered in his chamber demanding the loan and on his refusal started threatening and abusing him in filthy words. He has stated the actual words of the abuses. He even assaulted him. The security guards, clerks rushed

and took the petitioner forcibly from his chamber. His evidence is supported by Khond and Kashyap clerk and guard respectively. Despite of the cross examinations they remained unshaken nothing could be elicited.

9. It seems Mr. Barve who is now retired admittedly was not on any cross terms with the petitioner. At present being retired he is totally a disinterested person. The other witnesses are also had no grudge against him undisputedly. They have no reasons to give false evidence that too deliberately against him. Mr. Barve, Project Officer was highest officer at that place and there were area manager and sub area manager working under him who were dealing with the administrative work of sanctioning loan etc. There was no reason for the petitioner to go to his chamber or to approach him. His story that he has gone to complain against clerks because his signature was obtained is afterthought and baseless. Moreover the petitioner being temporary mazdoor as he had never completed the 240 days continuous service in one calendar year, was not entitled to loan. Though the petitioner has claimed as permanent there is nothing to prove it. Undisputedly he was appointed 23-11-82 and suspended just on 7-2-84 after the incident before completion of even two years service. There is no order making him permanent. Permanency cannot be obtained automatically. Whatever it may be since the order of dismissal is after the enquiry the question of permanency is immaterial.

10. The petitioner Sh. Gupta stated that his signature was obtained in the register on revenue stamp for having received the amount though it was not paid. His own evidence shows that it was the first time to approach for the loan. The evidence of the management shows that he has not even applied for the loan. It is hard to believe that he had applied and immediately sanctioning the loan, he was asked to sign the acquaintance register. There is nothing to prove of obtaining his signature in token of receiving the amount. The evidence of the petitioner Shri Sharma seems to be totally unreliable which can not be accepted. In the result the management proved the charges i.e. misconduct against the petitioner as alleged by it.

11. Now let us turn to the issue whether the punishment is shockingly disproportionate to the misconduct. The alleged incident is of sever nature. The behaviour of the petitioner of entering in to the chamber of the project officer a highest and superior authority at that place, and abusing him in indecent filthy language and misbehaving with him can not be taken lightly. It was of serious nature showing that he has no regard either to the superior officer, or to the rules or even to the law. In fact it was criminal act warranting even the prosecution. Nobody will tolerate such behaviour with highest officer. In my view the punishment of dismissal was proper, and not at all disproportionate considering his misconduct dated 6-2-84. Hence I hold that order of dismissal is proper and justifiable. The petitioner is not entitled for any relief. The reference is answered in the negative. Hence this Award.

A. N. YADAY, Presiding Officer